

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR. C.M.P.Nos.146 to 149 of 2017
and C.M.P.Nos.2663 to 2666 of 2017

A.Janaki ... Petitioner in all TR.C.M.Ps.

Vs.

R.Gopal ... Respondent in all TR.C.M.Ps

Prayer in TR.C.M.P.No.146 of 2017: Transfer Civil Miscellaneous Petition filed under Section 24 read with Section 151 of Civil Procedure Code, to withdraw and transfer the petition in H.M.O.P.No.115 of 2014 pending on the file of Subordinate Court, Kancheepuram to the file of III Additional Family Court at Chennai for joint trial along with O.P.No.4096 of 2016.

For Petitioner : Ms.S.V.Devasanthi

For Respondent : Mr.B.Manoharan

COMMON ORDER

By consent of both parties, these matters were referred to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, by order dated 21.07.2017.

2. Pursuant to the negotiations, the parties have arrived at mutual agreeable settlement and a report was sent by the Tamil Nadu Mediation and Conciliation Centre in Mediation Case Nos.1008/2017 & 1009/2017 dated 17.11.2017, attaching the terms of settlement.

3. When the matter is taken up for hearing today (11.01.2018), both parties have appeared before this Court and affirmed that they have settled their dispute in terms of the mediation agreement dated 17.11.2017. The said Mediation agreement reads as under:-

1. The petitioner and the respondent shall withdraw all the suit/case as tabulated hereunder:-

S.No	Case No.	Court	Filed by
1.	H.M.O.P.No.115/2014	Sub Court, Kancheepuram	Petitioner
2.	O.S.No.192/2014	Sub Court, Kancheepuram	Petitioner
3.	O.S.No.181/2014	Sub Court, Kancheepuram	Petitioner
4.	O.P.No.4096/2016	III Addl. Family Court, Chennai	Respondent

2. The Petitioner shall not claim any rights over the property of vacant land comprised in Survey No.189 & 190/2, having patta No.4399 and having new Survey No.189/1 B & 190/3 at Sree Manikam Nagar Phase - I and named as Plot Nos.120 part, 121 and 122 to an extent of 6180 square feet which was purchased by the Respondent with her retirement benefits by way of registered sale

deed dated 15.09.2003 registered as document number 5232/2003 at SRO Kundrathur.

3. The Petitioner shall not claim any right of possession or enjoyment over the property which was purchased by the Respondent for piece and parcel of land to an extent of 2400 square feet comprised in Gramma Natham Survey No.1151/1, as per patta No.313, New S.No.1414/10, at Kundrathur Village, by way of registered sale deed dated 20.07.1983, registered as document No.3869/1983 at SRO, Poonnamallee before marriage by her own source of income and the existed building which was constructed by the Respondent by availing L.I.C. loan and by her salary.

4. The settlement given by the Respondent to one Mrs.A.Umarani W/o.P.Neelakandan by way of registered settlement deed dated 11.09.2013 registered as document No.12496/2013 at SRO Kundrathur is accepted by the Petitioner.

5. The Respondent settled the consideration amount for 1200 square feet out of 6180 square feet property situated in Manickam Nagar Phase - I, Kundrathur, registered in document No.12496/2013 at SRO Kundrathur at the existing market value Rs.18 Lakhs (Rupees Eighteen Lakhs) in three Demand Drafts all in the name of R.Gopal each for an amount of Six Lakhs, 1.D.D. in No.080301 dated 08.11.2017, 2.D.D. in No.080302 dated 08.11.2017 and 3.D.D. in No.080303 dated 08.11.2017 Kundrathur Branch Bank of India, today to the Petitioner and the Petitioner acknowledged the same.

6. The legal heirs of Umarani (Late) viz. P.Thiruneela Kandan, T.Anitha & P.T.Arun shall pay an amount of Rs.6 Lakhs (Rupees Six Lakhs only) to J.Vijaya @ Vijayalakshmi on or before 08.12.2017 and upon payment J.Vijaya @ Vijayalakshmi shall withdraw O.S.No.126/2015 pending on the file of Principal District Judge, Kancheepuram.

7. The Petitioner shall enjoy the property mentioned in clause 3 above and till his life time the Respondent agreed for the same. After the life time of the Petitioner the property mentioned in clause 3 above shall devolved to the surviving legal heirs of Mrs.A.Uma Rani, who is the settle of the settlement deed dated 11.09.2013 registered as document No.12496/2013 at SRO Kundrathur, and the settlee Mrs.A.Uma Rani died on 07.02.2015 leaving intestate her property to his legal heirs.

8. The Successors, legal heirs or any other persons of his line shall not have any right over the properties settled to Mrs.A.Uma Rani by the Respondent by settlement deed dated 11.09.2013 registered as document No.12496/2013 at SRO Kundrathur.

9. The Petitioner shall not claim any right over the property settled to the deceased Mrs.A.Uma Rani either by litigation or otherwise.

4. Accordingly, these Transfer Civil Miscellaneous Petitions are ordered in terms of the mediation agreement. The said Mediation agreement shall form part of the order. No costs. Consequently, connected miscellaneous petitions are closed.

11.01.2018

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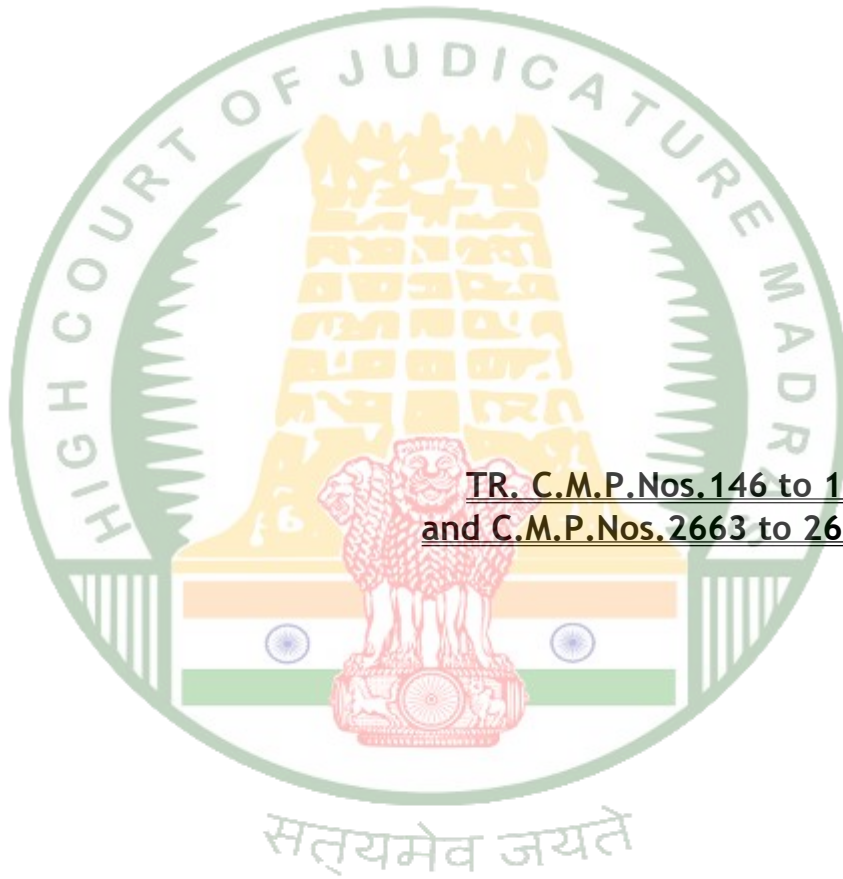
To

1. The III Additional Judge, Family Court, Chennai.
2. The Subordinate Judge, Sub Court, Kancheepuram.

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M. GOVINDARAJ, J.

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