

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-II organised by the High Court Legal Services
Committee
Monday, the 12th of February, 2018
LOK ADALAT AWARD
(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided over by

The Hon'ble Mr. Justice S. MARIMUTHU (Retd.)

Members

Ms. V. Ahalya (District Judge Retired)

Ms. Gandhimadhi

S.A.No.968 of 2011

(This appeal is filed as against the Judgment and decree dated 22.04.2010 made in A.S.No.149 of 2009 on the file of the Additional District and Sessions Judge, (Fast Track Court No.III), Chennai, reversing the judgment and decree of the Trial Court dated 23.09.2008 in O.S.No.3145 of 2004 on the 3145 of 2004 on the file of XVIII Assistant, City Civil Court Chennai.

1. V.Srinivasan (Deceased)
2. S.Hamsaveni
3. R.Mahalakshmi
4. S.Chakravarthy
5. N. Meenkshi

(Appellants 2 to 5 brought on record as the LRs of the 1st Appellant since deceased as per order dated 12.02.2018

...Appellants

..vs..

V.Sridhar

...Respondent

This case came up for settlement before the Lok Adalat. The learned counsel for the Appellant, Mr.P.B.Ramanujam, P.B.Balaji and Francis Cedric Dcruz and the learned counsel for Respondent Mr.R.Thiagarajan, Vasudha Thiagarajan and S.Saravana Kumar are present. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

TERMS OF SETTLEMENT

O.S.No.3145 of 2004 before the City Civil Court Chennai for recovery of a sum of Rs.50,000/- with interest at the rate of 6% per annum on a pro- note was filed. The suit was filed by one Srinivasan against one Sridhar. The Suit was decreed by the Trial Court. Against the judgment and decree the first appeal was filed before the Additional Judge City Civil Court in A.S.No.149 of 2009. The first appeal was allowed. Therefore, the present second Appeal has been filed by Srinivasan, the plaintiff in the trial Court. Pending the second appeal Mr.Srinivasan died. Therefore, his wife S.Hamsaveni, Daughters R.Mahalakshmi and N.Meenakshi and son S.Chakravarthy have been brought on record in the second appeal. The Registry is directed to carry out the Legal heirs of V.Srinivasan as appellants No.2 to 5 in this second appeal memorandum.

2. O.S.1403 of 2004 a redemption suit was filed by Sridhar against Srinivasan in respect of Single Property. After executing the first mortgage Srinivasan executed another two puine mortgages in favour of Srinivasan in respect of the said property.

3. The redemption suit in O.S.No.1403 of 2004 filed before the City Civil Court, Chennai was also decreed. In the said suit also the LRs of Srinivasan stated above also have been brought on record.

4. When that being the position of the two suits stated above the parties have come before us for settlement. So far as the LRs of the deceased Srinivasan is concerned his Son S.Chakravarthy is present today before us and he has been authorized to take part in the settlement before us, for his mother and two sisters for which a General Power of Attorney has been filed and it is recorded and allowed. Now S.Chakravarthy, Sridhar and their respective counsel are present before us today. We had negotiation and discussion with all the parties and their counsels and the matter is finally settled. Mr.Sridhar who is the defendant in the in O.S.No.3145 of 2004 and plaintiff in O.S.No.1403 of 2004 has agreed to pay a sum of Rs. 3,00,000/- to the LRs V.Srinivasan in full and final settlement of all their claims. For which a demand draft in DD No. 163507 drawn on Lakshmi Vilas Bank, West Mambalam Branch dated 17.01.2018 has been handed over to S.Chakravarthy who received on behalf of all the LRs of V.Srinivasan, for which receipt has been given by S.Chakravarthy to Sridhar and that also has been recorded by us.

5. For the above discussions and negotiations before us a joint memo of compromise has also been filed signed by both the parties and respective counsel and it has also been recorded.

6. Considering all the above facts and award has been passed accordingly. The learned counsel appearing for S.Chakravarthy submits that original Sale deed of the respondent has filed in the Court and that has been specifically stated in the memo of compromise also. Therefore, the trial Court is directed to return the original sale deed of the respondent marked as Ex.B1 in O.S.No.1403 of 2004 can be handed over to Sridhar through his counsel by receiving a memo to that effect. The joint memo of compromise filed before this forum will form part and parcel of the award.

sd/-

1. S.Hamsaveni
2. R.Mahalakshmi
3. S.Chakravarthy
4. N. Meenkshi

(1,2 and 4 Appellants are represented by the power of Attorney 3rd Appellant herein)

sd/-

Counsel for Appellants

sd/-

V.Sridhar

sd/-

Counsel for respondent

The Lok Adalath award is passed in terms of the above settlement.

The full court fee paid in shall be refunded to the plaintiffs/appellants in the manner provided under the Court Fees Act, 1870, as provided for under Sub Section 1 of Section 21 r/w Section 25 of the LSA Act 1987 as amended in 1994.

sd/-

Judge

sd/-

Member

sd/-

Member

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

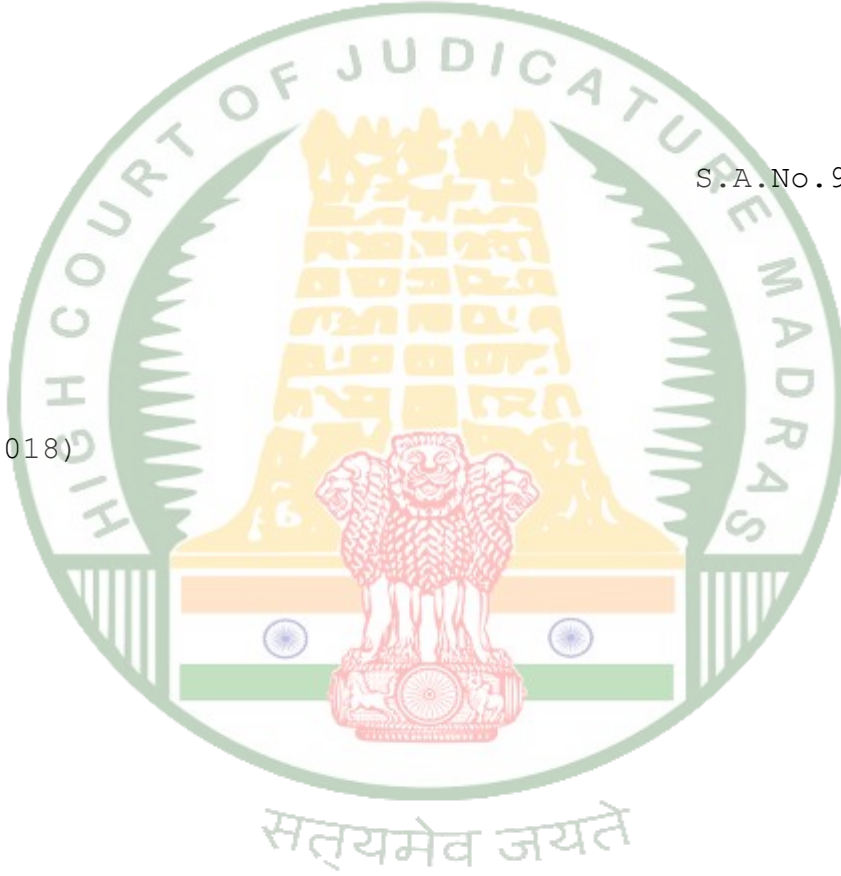
The Parties/Advocate concerned

Copy to

- 1.The Additional District and Sessions Judge, (Fast Track Court No.III), Chennai,
 - 2.The XVIII Assistant, City Civil Court Chennai.
 - 3.The Secretary, High Court Legal Services Committee, Chennai.
 - 4.The V.R. Section, High Court, Madras.
 - 5.The Section Officer, Lok Adalat Section, High Court, Madras.
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KS (CO)
SP(10/05/2018)



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