

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Monday, the 18th day of March, 2019

LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)
Presided over by

The Hon'ble Mr.JUSTICE MALAISUBRAMANIAN (Retd.)
and

Members

1. Mr.N.Dhanasekaran
2. Mr.T.Sankara Narayana Pillai

S.A.Nos.431 and 432 of 2016

(These Second Appeals are filed against the Judgment and decree dated 4.11.2015 made in A.S.Nos. 8 of 2010 & 9 of 2010 on the file of the Additional Subordinate Judge, Mayiladuthurai and concurring with the decree and judgment dated 27.11.2009 passed by the District Munsif of Sirkali in OS.Nos.198 of 1994 and 477 of 1995 and awarding costs to the Appellant respectively through out and render justice.

- 1.Dhanalakshmi
- 2.Jeyapalan (Died)
- 3.Vijay Anand
- 4.Rajesh

.. Appellants in S.A.No.431 of 2016

- 1.Jeyapalan (Died)
- 2.Dhanalakshmi
- 3.Vijay Anand
- 4.J.Rajesh

.. Appellants in SA.No.432 of 2016

Vs.

- 1.Natesan .. 1st Respondent in SA.Nos.431 & 432/ 2016
- 2.The Taluk Surveyor,
Tranquobar Taluk Office,
Nagapattinam District.

3. The District Collector,
Nagapattinam District,
State of Tamil Nadu.

.. 2nd & 3rd Respondents in SA.No.432 / 2016

On representation of counsel for both sides, these cases are taken up for settlement before the Lok Adalat. Both the parties

are present. M/s.N.Alamelu Mangai learned counsel for the Appellants (in both the petitions) and Mr.M.V.Venkataseshan learned counsel for the respondents (in both the petitions) and Mr.S.Jaganathan, Government Advocate for (CS) 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

The Respondent filed a suit in OS.No.51 of 1994 before the Learned District Munsif, Sirkali for permanent injunction restraining the appellants from anyway interfering with the suit property. He also filed a suit in OS.No.198 of 1994 with a prayer that fence putup by the appellants should be removed and possession of the property be handed over to him. He also sought for a permanent injunction restraining the appellants from anyway interfering with the possession of the respondent. He further filed a suit in OS.No.477 of 1995 seeking declaration of title in his favour to the suit property and for possession of the same.

The learned District Munsif, Sirkali dismissed the suit in OS.No.51 of 1994 and decreed the suits in OS.Nos.198 of 1994 and 477 of 1995 as prayed for.

The Respondent did not file any appeal against the decree passed in OS.No.51 of 1994. Aggrieved by the decrees passed in OS.Nos.198 of 1994 and 477 of 1995, the appellants went on appeal before the learned Subordinate Court, Mayiladuthurai. The learned Additional Subordinate Judge took the appeal against the decree passed

in OS.No.198 of 1994 as A.S.No.8 of 2010 and the appeal passed in OS.No.477 of 1995 as A.S.No.9 of 2010. After considering the evidence in both the suits and the judgment given by the learned District Munsif, learned Subordinate Judge confirmed the decrees and dismissed both the appeals.

The appellants have filed the Second Appeal in SA.No.431 of 2016 against the order passed in A.S.No.8 of 2010 and S.A.No.432 of 2016 against the order passed in A.S.No.9 of 2010 before the High Court. Pending both the appeals the parties, towards arriving at a settlement between them amicably, drafted a memorandum of compromise whereby the properties to be owned and enjoyed by them has been specifically settled. All the appellants as well as the Respondent have signed the said compromise. Based on the said compromise, parties have decided to settle the issue between them accordingly.

Both the appeals stand disposed of as settled in terms of

the above compromise dated 4.2.2019. Memorandum of compromise shall form part of the Award. Consequently, connected Miscellaneous Petitions are also closed.

The Full court fee paid shall be refunded to the appellants in the manner provided under section 69-A of the Tamilnadu Court fees and Suits Valuation Act 1955 and the Court fees Act 1876 as provided for under sub section 1 of section 21 Rs.25 of LSA Act 1987 as amendemin 1994.

Sd/-

1.Dhanalakshmi

Sd/-

2.Jeyapalan (Died)

Sd/-

3.Vijay Anandd

Sd/-

4.Rajesh

Sd/-

Counsel for the Appellants

Sd/-

1. Natesan

Sd/-

Counsel for the 1st Respondent

2.The Taluk Surveyor,
Tranquobar Taluk Office,
Nagapattinam District.

3. The District Collector,
Nagapattinam District.

Sd/-

Counsel for Respondents 2 & 3

Sd/-

Judge

Sd/-

Member

Sd/-

Member

WEB COPY

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Encl:Xerox Copy of Memo of Compromise Dated 04/03/2019

To: The parties/Advocate concerned

Copy to:

1. The Additional Subordinate Judge, Mayiladuthurai
2. The District Munsif Court, Sirkali
3. The Secretary, High Court Legal Services Committee, Chennai.
3. The Section Officer,
V.R. Section, High Court, Madras. (2 Copies)
4. The Section Officer,
Lok Adalat Section, High Court,
Madras. + 2 copies

SA.Nos.431 & 432 of 2016

SSV(CO)
GN(26/07/2019)



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