

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

C.R.P. (PD) No. 3290 of 2019

RathileelaSamuvel ... Petitioner

-Vs-

1. A. Ravichandran

2. G.K. Bharathi ... Respondents

Prayer : Petition filed under Article 227 of the Constitution of India, to record the compromise between the Petitioner and the first respondent in O.S. No. 10 of 2016 on the file of the Court on III Additional District and Sessions Judge, Gobichettipalayam, Erode District before the Mediation enable to pass award of settlement as per terms of suit sale agreement dated 27.08.2015.

For Petitioner : Mr. N.S. Sivakumar

For Respondents : Mr. Balaji Sankara Moorthy

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India with a prayer to record the compromise between the Petitioner and the first respondent in O.S. No. 10 of 2016

on the file of the Court on III Additional District and Sessions Judge, Gobichettipalayam, Erode District.

2. Before the trial Court, the plaintiff filed a suit for specific performance against the defendants especially the first defendant, who is the owner of the property. During the pendency of the suit, both the plaintiff, who is the agreement holder and the first defendant, who is the owner of the property, have come forward for settlement amicably. However, the said settlement could not be materialized, as alleged by them, through the learned respective counsel that, the atmosphere in the local area was surcharged, since some third parties wanted to meddle with the issue and that is the reason why a memo has been filed before the trial Court to refer the matter for Lok Adalat. The same has not been considered by the learned Judge and only in that circumstances, the revision petition has been filed.

3. I have already called for the records from the Lower Court which has been placed now, pursuant to which, it has been perused.

4. The learned trial Court Judge, despite the parties wanted to settle the matter amicably, seems to have adjourned the matter by stating the reasons that, the main matter is under settlement with the parties. Since there is no controversy seems to be available between the main contesting parties, i.e., plaintiff and the first defendant and the model Joint Memo of Compromise showing the bonafide settlement entered into between the parties is filed before this Court and on perusal of the same, I am of the considered view that, the parties are willing to settle the matter, of course through the Lok Adalat, so that, without any loophole, the matter can be settled as desired. Therefore, the learned counsel appearing for both sides want this Court to refer this matter to the Legal Services Authority, enabling them to send it for Lok Adalat at District Level to enter into compromise between the parties and pass an award accordingly as per the provisions of the Legal Services Authorities Act, 1987.

5. I have considered the said submissions made by both parties and perused the materials placed before this Court.

6. After having gone through the materials, I am of the considered view that, though the parties to the suit very much desires of resolving the issue by amicably settling the same, unwantedly, the case has been kept pending and has been adjourned by the trial Court without referring the matter to the District Level Lok Adalat through the District Legal Services Authority for recording the compromise.

7. In view of the above, this Civil Revision Petition is disposed of with the following directions:

"(i) That the Additional District and Sessions Court, Gobichettipalayam, i.e., the learned III Additional District Judge, is hereby directed to refer the suit i.e., O.S. No. 10 of 2016 on the file of the III Additional District and Sessions Judge, Gobichettipalayam, Erode District through the District Legal Services Authority of Erode District to the permanent District Level Lok Adalat, Gobichettipalayam, Erode District for recording the compromise entered into between plaintiff and the first defendant and to pass necessary award by Lok Adalat within the meaning of the provisions of the Legal Services Authorities Act, 1987 and based on such award to be

passed by the District Level Lok Adalat, the suit can be disposed of by the Court concerned.

(ii) The needful as indicated above shall be undertaken by the concerned Authorities within a period of one month from the date of receipt of a copy of this order."

8. It is made clear that, once the Lok Adalat award is passed as desired or as per the compromise entered into between the parties, they are entitled to claim the refund of Court fee as permissible under the provisions of the Legal Services Authorities Act, 1987.

9. With these directions, this Civil Revision Petition is disposed of. Registry is directed to send the original records pertaining to O.S. No. 10 of 2016 obtained from the Lower Court back to the said Court for an appropriate action at their end as directed above, immediately. No costs.

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Index: Yes / No

Speaking order / Non speaking order

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Note: Issue order copy by 25.10.2019

R. SURESH KUMAR, J.

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To

The learned III Additional District
and Sessions Judge,
Gobichettipalayam,
Erode District .



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