

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2020

CORAM:

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.2765 of 2018
and
W.M.P.No.3411 of 2018

Union of India
Rep. by Commandant
Ordnance Depot
Avadi, Chennai - 60 055. ... Petitioner

Vs

1.The Presiding Officer
District Munisif Court/Lok Adalat
Ambattur
Chennai.

2.V.Vijaya

3.Shanthi ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari, calling for the records from the file of the first respondent award passed in O.S.No.341 of 2012 on the file of the District Munisif Court, Ambattur, Chennai, consequent to the award made in Mega Lok Adalat held on 23.11.2013 under Award XXI Rule 30 and 34 of C.P.C and quash the same.

For Appellant : Ms.Sunita Kumari

For Respondents : Mr. G.Prakash for R2
Mr.Y.Kerisshnan for R3

J U D G M E N T

The Union of India represented by its Commandant, Ordnance Depot, Avadi, is the writ petitioner herein. The petitioner has filed this writ petition aggrieved over the order of Lok Adalat passed by the Presiding Officer/District Munisif Court, Ambattur, Chennai.

2. Facts relating to the case is that a Lok Adalat was conducted by Taluk Legal Service Committee, Amabattur on 23.11.2013 with respect to the averments made in O.S.No.341 of 2012 pending before the District Munisif Court, Ambattur, Chennai, wherein V.Vijaya who is the second respondent herein was the plaintiff and V.Shanthi, who is the third respondent herein was the first defendant. An award was passed with respect to the terminal benefit of D.Veeran and in the award it was stated that both the parties are to receive 50% of the terminal benefit of D.Veeran.

3. It is stated by the learned counsel for the petitioner that any agreement between respondents 2 and 3 would not be binding on the petitioner herein. The pensionary benefits are to be granted to the person whose name is nominated in the service record of D.Veeran.

4. Today V.Vijaya and V.Shanthi both are present before this Court. The learned counsel for the respondents is also present. Both the respondents 2 and 3 have filed their affidavits. In the affidavit, filed by V.Vijaya it is stated that the pensionary benefits can be given to her and she will share 50% of that amount with the third respondent. V.Shanthi agreed to the said proposal and filed an affidavit to that effect.

5. This agreement between the parties has greatly eased the situation since the petitioner can now pay the family pension of D.Veeran , who died on 23.01.2012 to V.Vijaya.

6. This Courts therefore directs the petitioner herein to pay all the terminal benefits including the pensionary benefits and any other benefits of D.Veeran to V.Vijaya. Thereafter, V.Vijaya in accordance with her affidavit, shall share one half of the amount received with V.Shanthi.

7. The petitioner is directed to process all the pensionary benefits of deceased D.Veeran at the earliest and release them on or before 25.03.2020.

8. With these observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(JJ Act)

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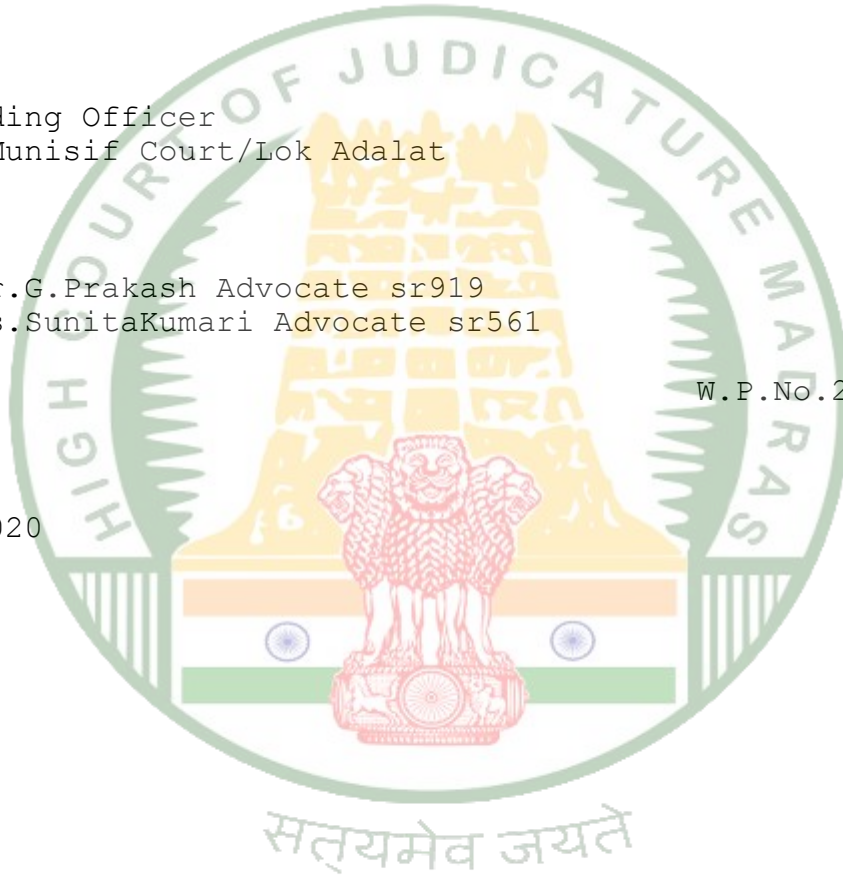
Sub Assistant Registrar

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To
The Presiding Officer
District Munisif Court/Lok Adalat
Ambattur
Chennai.

+1cc to Mr.G.Prakash Advocate sr919
+1cc to Ms.SunitaKumari Advocate sr561

W.P.No.2765 of 2018

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