



HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services Committee

Saturday, the 12th day of March, 2022**LOK ADALAT AWARD**

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

Presided over by

The Honourable Mr. Justice M. Thanikachalam

and

Members:

Mr. G. Dharmaraj, District Judge [Retd.]

Mr. V. Murali

Crl.R.C.No.1188 of 2020

(Appeal against the judgment and decree passed by the IV Additional District and Sessions Judge, Coimbatore dated 25.02.2020 in C.A.No.554 of 2018 confirming the Judgement passed by the Judicial Magistrate, Fast Track Court, Magisterial Level – II Coimbatore in C.C.No.100 of 2017 dated 03.12.2018.

Anitha Thomas
Proprietor
M/s. Grave Bio energy, Coimbatore
L2, Akshay Gardens, Jaya Nagar, 3rd Cross
Vadavalli, Coimbatore – 641 041

... Petitioner

/versus/

M.P. Sureshan
Proprietor
M/s. Converter Corporation, Coimbatore,
15-A, 3rd Street, Murugan Nagar,
Nanjundapuram, Coimbatore – 641 045.

... Respondent

This case is taken up for settlement before this Lok Adalat. Mr. D. Basker learned counsel for petitioner and Mr. M.P. Sureshan, party-in-person, assisted by Mr. T.A. Selvaraj, learned counsel before the trial Court, are present.

AWARD

The revision petitioner had borrowed some amount from the respondent/complainant. It appears that the revision petitioner despite demand failed



to pay the amount and considering the conduct of the borrower, the complainant preferred a petition before the Judicial Magistrate concerned for appropriate relief under Section 138 of the Negotiable Instruments Act, 1881.

2. After enquiry, considering the averments in the complaint as well as the defence, the trial Court felt and came to the conclusion that the accused had committed an offence since the accused failed to pay the amount despite receipt of notice as contemplated under the Act. In this view, the trial Court convicted the accused and aggrieved by the same, the accused preferred an appeal unsuccessfully. Thereafter, to wriggle out of the situation, the accused approached the Hon'ble High Court and that case is placed before us.

3. When the case is pending, at our instance, today, the parties negotiated the matter between themselves and the respondent agreed to receive a sum of Rs.4,20,000/-. Hence, it is prayed that a favourable order may be passed in favour of the revision petitioner. On that basis, as represented before me, in our presence, a sum Rs.1,00,000/- (Rupees One Lakh only) in cash was paid to the respondent and for the balance amount of Rs.3,20,000/- (Rupees Three Lakhs Twenty Thousand only), a posted dated cheque dated 28.03.2022 bearing No.686146 drawn on State Bank of India is given. The cheque is also handed over in our presence to the counsel for the complainant before the trial Court/respondent in the revision petition. Further, on enquiry also both of them accepted and agreed to the terms of the settlement and to that effect a memo has also been filed and the same is recorded.



4. In view of the settled position, the case under the Negotiable Instruments Act also can be settled between the parties. As above said, in view of the settlement reached, full satisfaction is recorded confirming that the petitioner/complainant has no further remedy except the realization of cheque for Rs.3,20,000/- since the accused had *prima facie* discharged the liability and the conviction and sentence imposed upon the petitioner has to be set aside.

5. In this view, the judgment of the trial Court, which was confirmed by the Appellate Court, is set aside and the accused/petitioner herein is set at liberty. The bail bond executed, if any, shall stand cancelled. It is seen that as per the order of the Hon'ble High Court, no amount is deposited.

In the result, this Civil Revision Petition is allowed as settled between the parties and conviction and sentence imposed by the trial Court is set aside. The memo filed by the parties shall form part of this order.

Anitha Thomas
Proprietor
M/s.Grave Bio energy, Coimbatore
L2, Akshay Gardens, Jaya Nagar, 3rd Cross
Vadavalli, Coimbatore – 641 041

Counsel for Petitioner

/versus/

M.P.Sureshan
Proprietor
M/s.Converter Corporation, Coimbatore,
15-A, 3rd Street, Murugan Nagar,
Nanjundapuram, Coimbatore – 641 045.

Counsel for the respondent

This Lok Adalat award is passed as above.



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M.Thanikachalam, J [Retd.]

gpa/gm/mp

The full Court fee paid shall be refunded to the appellant in the manner provided under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and the Court Fees Act, 1870 as provided for under sub Sec.1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994.

Judge

Member

Member

To: The parties/Advocate concerned

Copy to:

- 1 IV Additional District and Sessions Judge, Coimbatore.
2. The Judicial Magistrate, Fast Track Court, Magisterial Level – II Coimbatore
3. The Secretary, High Court Legal Services Committee, Chennai.
4. The Section Officer, V.R. Section, High Court, Madras.
5. The Section Officer, Lok Adalat Section, High Court, Madras. +2 copies

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12.03.2022