



A.S.(MD)No.115 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.10.2022

CORAM

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

A.S.(MD)No.115 of 2014

and

M.P.(MD)No.1 of 2014

1.Tamaraiselvi
2.Minor.Raja Chandrasekaran
3.Minor Raja Priyanka
4.M.K.Chandrasekaran ... Appellants/Defendants
(Appellants 2 and 3 are represented by his guardian and mother, the first
appellant herein.)

/Vs./

S.Periyasamy ... Respondent/Plaintiff

PRAYER: Appeal - filed under Section 96 of the Code of Civil Procedure,
to allow the appeal, set aside the Judgment and Decree dated 20.11.2013
made in O.S.No.60 of 2010 by the learned District Judge, Karur.

For Appellants : Mr.N.Shanmugaselvam

For Respondent : Mr.M.Chidambarakumar Bharathi



A.S.(MD)No.115 of 2014

JUDGMENT

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

This appeal was filed by the defendants against the judgment and decree passed in O.S.No.60 of 2010 by the District Judge, Karur, dated 20.11.2013 decreeing the suit filed for recovery of money.

2. During the pendency of this appeal, the parties were referred to Lok Adalat and the parties have settled the dispute before the Lok Adalat and the terms of settlement as recorded before the Lok Adalat are extracted hereunder:

“TERMS OF SETTLEMENT IS

1) Both parties and their advocates present

2) Both parties agreed to settle the matter for a sum of Rs.72,60,000/- in full settlement as against the award amount of Rs.87,29,201/- out of the settlement of Rs.--/- with advocate fee, -- balance amount of Rs.--/- to the parties. The Plaintiffs shall be entitled to have the following apportions of the amount. The defendants pay the above said amount by way of DD No.306668 dated 21.04.2016 in the name of the



Plaintiff.

3) The attachment made, if any, shall be raised and the order of raising the attachment shall be communicated to be concerned registration authorities to raise the attachment.

4) interim order passed by the court, if any, stands vacated.

5) On filing the full satisfaction memo, the execution petition shall be terminated.

6) Out of the amount, the claimants are entitled to the amount as follows:-

7) The security given by the defendant by depositing the original Sale deed and other documents produced in the attachment petition is to be returned to the defendant without giving any notice to the other side.

<u>Name of the Plaintiff</u>	<u>Amount in Rs.</u>
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7) On such deposit, or in deposit the major Plaintiff are entitled to withdraw their entire share of the award amount.

8) In case, the Plaintiffs is minor, the guardian of the minor Plaintiffs is entitled to withdraw 50% of the share of the minor Plaintiffs in the award amount or entire amount of the minor Plaintiffs share considering the education and future maintenance and the remaining amount shall be deposited in any one of the nationalized bank till the minor attains majority.

9) EP may be terminated on deposit of the settled



A.S.(MD)No.115 of 2014

amount and on filling of F.S.Memo.

10) The advocate is permitted to withdraw his entire fee.

11) Award is passed in terms of the settlement but without costs."

3. The terms of settlement has been signed by the parties and their respective counsel and an award has also been passed by the Lok Adalat on 22.04.2016.

4. In view of the above, this Appeal Suit is disposed of in terms of the award dated 22.04.2016 passed by the Lok Adalat. Since the parties have settled the dispute, this Court is inclined to permit the refund of the entire Court fee to the appellants. No costs. Consequently, connected Miscellaneous Petition is closed.

(J.N.B.,J.) (N.A.V.,J.)
13.10.2022

Index : Yes/No
Internet : Yes
sm



A.S.(MD)No.115 of 2014

To:

1.The District Judge, Karur.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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J. NISHA BANU,J.

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Judgment made in
A.S.(MD)No.115 of 2014

Dated
13.10.2022