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HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 9th day of September 2023

NATIONAL LOK ADALAT

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

Presided over by

The Hon'ble Mrs.JUSTICE T.V.THAMILSELVI
and

Members

1. Mr.N.Balasubramanian, District Judge (Retd), Member
2. Mr.P.G.Kumaraguru, Member

S.A.No. 386 of 2016

This Second Appeal Appeal has been filed challenging the judgement and decree dated 28.07.2015 in A.S.No. 72 of 2014 on the file of VI Addl. City Civil Court, Chennai confirming the judgement and decree passed in O.S.No.1706 of 2012 dated 27.11.2013 on the file of XVI Asst. City Civil Court, Chennai.

S.Ratanavelu

.. Appellant

Vs.

1. G.Subramanian,
2. S.Indira

.. Respondents

This case came up for settlement before the National Lok Adalat. Both the parties are present. Mr.Francis Cedric, learned counsel for the Appellant, Mr.A.Srinivasan for Mr.R.Krishnasamy, learned counsel for the 1st respondent 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 suit in O.S.No. 1706 of 2012 was filed by the plaintiff seeking for the relief of recovery of claim against defendants 1 and 2. On considering both side submissions, the suit was decreed in favour of plaintiff and the same was confirmed by first appellate court. Against which, the present Second Appeal was preferred by the 2nd defendant Ratanavelu. The 1st defendant paid 50% of claim and the same was received by the plaintiff long back.

2. Today, when the matter taken up for hearing, both parties along with their counsel appeared before this forum and submitted that at the time of admitting the Second Appeal, as per the direction of this court in the above Second Appeal, the appellant/2nd defendant was directed to deposit 50% of decree amount to the credit of suit in O.S.No.1706 of 2012. Accordingly, he deposited the amount on 27.06.2016. The appellant/2nd defendant Ratanavelu insisted to state that he has not borrowed any amount as alleged by the plaintiff. However, there was a decree passed in favour of plaintiff.

3. Now, both the plaintiff and 2nd defendant appeared before this forum and on seeing the fact that both were senior citizens and aged about more than 70 years, the plaintiff Subramanian submitted that he is ready to withdraw the amount deposited by the 2nd defendant as per the direction of this court with accrued interest. So also, on considering their age, the plaintiff is not inclined to



proceed further in this Second Appeal and he has also submitted that there is no other claim pending between them before any other forum. The plaintiff agreed to withdraw the said amount without insisting any further claim in future and also assured that except this, no other claim would be made in future.

4. On considering the submissions of 1st respondent/plaintiff as well as appellant/2nd defendant and also on considering their age, without going into the merits of the fact, this court is inclined to settle the issue and as the plaintiff is not interested for further payment of interest, if any, he has agreed to withdraw the 50% of decree amount deposited as per the order of this court. Accordingly, the 1st respondent/plaintiff is directed to withdraw the 50% of decree amount with accrued interest deposited by the appellant/2nd defendant Ratanavelu as per the direction of this court to the credit of suit in O.S.No. 1706 of 2012 within a period of one week from the date of receipt of the copy of this order. As the above Second Appeal is settled out of court, Registry is directed to refund the court fee paid before this court to the appellant Ratanavelu.

5. The Appellant Ratanavelu submitted before this forum that based on the Memorandum of Deposit, the original title deed belongs to 1st defendant Indira, was given to the plaintiff Subramanian, but the same was denied by him and he would also content that as per the terms with regard to construction of building, the original document of 1st defendant Indira was given to him and the same was handed over to the plaintiff.



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6. Now, the fact reveals that the power of attorney given in favour of appellant was cancelled by the 1st defendant Indira. Both Memorandum of Deposit as well as cancellation of Power Deed was marked on the side of both parties as Ex.A1, Ex.A2 and Ex.B2. So, as on date, the Power of Attorney stands in the name of Appellant S.Ratnavelu was cancelled by the Principal Indira/1st defendant. If at all, the title deed belong to 1st defendant Indira is said to be handed over to the appellant, he has to work out his remedy with 1st defendant Indira, since because the plaintiff denied that he did not possess the said title deed. Moreover, the title deed is not under dispute in this case and based on Promissory note, the suit was filed. So, with regard to title deed of 1st defendant Indira, liberty is granted to the appellant to proceed against 1st defendant Indira separately. Furthermore, both parties are agreed not to make any claim against each other in future.

7. With the above direction, this Second Appeal is disposed of accordingly.

S.RATANAVELU

Counsel for Appellant

G.SUBRAMANIAN

Counsel for 1st Respondent

This Lok Adalat award is passed in terms of the above settlement.



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 2 r/w 25 of LSA Act 1987 as amended in 1994.

Judge

Member

Member

To: The parties/Advocate concerned

Copy to:

1. The XVI Asst. City Civil Court, Chennai.
2. The Secretary, High Court Legal Services Committee, Chennai.
3. The Section Officer, V.R. Section, High Court, Madras.
4. The Section Officer, Lok Adalat Section, High Court, Madras. +2 copies

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T.V.THAMILSELVI, J.

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