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C.R.P.No.1654 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

C.R.P.No.1654 of 2021

and

C.M.P.No.12807 of 2021

D.Nandakumar

... Petitioner

Vs.

1.S.R.Sampath Kumar

2.L.Latha

3.D.Boopathy

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the order and Decree in E.A.No.6 of 2019 in E.P.No.18 of 2017 in O.s.No.201 of 2008 on the file of the learned Ist Additional Subordinate Judge, Erode.

For Petitioner : Mr.K.V.Muthu visakan

For RR1 : M/s.Zeenath Begam

For R2 : Notice not ready

For R3 :Mr.S.Kaithamalai Kumaran



ORDER

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As per the order passed by this Court on 28.04.2013, the learned Principal District Judge, Erode was directed to post this case before the Mediation and Conciliation Center and try for an amicable settlement.

2. This settlement agreement arrived between the parties before the District Mediation and Conciliation Centre, Erode. The terms of settlement as follows:

"This settlement agreement is entered into on 22.06.2023 between the Revision petitioner in C.R.P.No. 1654/2021 namely D.Nandhakumar, Son of N.Doraisamy, carrying on business Selvem Agencies, Texmo Industries Branch Office, No.97, Road (West) Erode-3 and residing at Old Door No.11/B1 and New Door No.25. Devapuram, Ganapathi, Coimbatore-641 006.

And

1. Boopathi, Son of Duriasamy, residing at D.no.147. Sri Sakthi Garden, Opp.Spicy Kitchen, Villarasampatti village, Erode Taluk, Erode District.

2. S.R. Sampathkumar, Son of S.P. Ramasamy Gounder, residing at Door No.3. Nallappa Gounder Street. Erode Town.

3. S.Latha, Wife of Late. K.Shanmugam @ K.



Shanmugasundaram. residing at Old Door No.359 and New Door No.163. Chidambaram Chettiar Colony. Rajakadu. Erode-1.

Whereas,

1. Disputes and differences has arisen between the parties hereto in E.A.No. 6/2019 in E.P. No.18/2017 and against the Order, the Revision petition has filed in C.R.P.No.1654/2021 before the Hon'ble High Court of Madras.

2. The matter was referred to mediation/Conciliation vide file No: 202/2023 the Order of the Hon'ble High Court, Madras

3. The parties agreed that M.Arutchelvan, would act their Mediator/ Conciliator

4. Several Meetings were held during the process of Mediation /Conciliation from 5/6/23 to 22/6/23 and the parties have with the assistance of the Mediator/conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.

5. The parties hereto confirm and declare that they have voluntarily and of their free will arrived at this settlement agreement in the presence the Mediator Conciliator



6. *The following settlement has been arrived between the parties hereto."*

3. The terms of Compromise as follows:

In E.P.NO.18/2017, in the Court auction 03.01.2019, the 3rd respondent in the C.R.P.No.1654/2021 namely D.Boopathi had purchased the property. To set-aside the Court auction sale, the Revision Petitioner in C.R.P.NO. 1654/2021 has filed the E.A.No. 6/2019 in E.P.No. 18/2017 and it was dismissed. Challenging the same the revision petitioner filed the C.R.P.No.1654/2021 against the respondents. Out of the amount deposited by the Auction Purchaser D.Boopathi, the 1st respondent/Decree holder in against the E.P.No.18/2017 in O.S.No.201/2008 has received the amount. Similarly, 3 other Decree Holders namely Magaiyarkarasi, Thulasimani and Sundramoorthi, who had filed the suits in O.S.No. 384/2007, 385/2007 and 201/2008 had also filed cheque application and received the portion of the amount deposited by the Auction purchaser and balance amount is in Court deposit.

During the pendency of the above C.R.P.No. 1654/2021, the matter was referred to mediation and in the mediation,



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the parties have compromised the matter between them. As the compromise. the 1st respondent/Decree holder in E.P.No.18/2017 in O.S.No.201/2008 has received the amount per as per the the decree from the 2nd respondent Latha. The other decree holder namely Mangayarkarasi, received the amount from the Revision petitioner towards full satisfaction of her claim.

Similarly other decree holders namely Thulasimani and Sundramoorthi, have also received the Decree amount as per Compromise from the 2nd respondent Latha. The 1st respondent herein and 3 other decree holders namely Mangaiyarkarasi, Thulasimani and Sundramoorthi have also repaid the amount back to Auction Purchaser D.Boopathi. Since the amount due to all decree holders including the 1st respondent herein have been settled, they have no claim against the Revision Petitioner Nandha Kumar and the 2nd respondent Latha.

The 1st respondent S.R.Sampth Kumar and 3 other decree holders namely Mangaiyarkarasi, K.S.Thulasimani and Sundramoorthi, namely the respondents 1 to 4 in A.S.No.21/2018 have also agreed to allow the above appeal and set-aside the decree of the lower Court in O.S.No.358/2010. The 1st respondent S.R.Sampth Kumar and 3 other decree holders namely Mangaiyarkarasi,



K.S.Thulasimani and Sundramoorthi received the amount due to them, they have also repaid the amount they received on cheque application in E.A.No.1/2019, 2/2019, 3/2019 and 4/2019 back to the auction purchaser Boopathi namely the 3rd respondent. Now the Revision Petitioner, the respondents 1 and 2 also agree that the auction purchaser Boopathi is entitled to receive back the balance amount available in Court deposit after the amounts withdrawn by the respondents 1 to 4 in E.A.No.1/2019, 2/2019, 3/2019 and 4/2019.

Hence, on the above terms the C.R.P.No.1654/2021 may be allowed and disposed as settled as per the above terms and the Court auction held on 03.01.2019 may be set-aside.

7. The parties agreed for the settlement voluntarily and amicably without any coercion or inducement of others and amicably settled within the parties hereto through the process of Mediation."

3.As per the report of the District Mediation and Conciliation Center, Erode, in letter in D.No.1389/2023 dated 27.06.2023, the subject matter of the Civil Revision Petition had been amicably settled between the parties before Mediation and Conciliation Center, Erode. Therefore, The Civil Revision



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petition is disposed of as settled in Mediation. Consequently, connected
miscellaneous petition is closed.

04.08.2023

vsn

Index:Yes/No

Internet:Yes/No

To

1.The Ist Additional Subordinate Judge, Erode.



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SATHI KUMAR SUKUMARA KURUP,J.

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