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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.13834 of 2021

1. J.Malliga

2. M.Srinika (Minor)

... Petitioner

Vs.

R.Murali

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorari***, calling for the records of the Respondents resulting in the impugned settlement memo, dated 14.09.2019 made in LAM 862/2019 (D.V.O.P.No.27 of 2018) on the file of the presiding officer, Lok-Adalat Madurai District Court entered into between the Petitioner and the Respondent and quash the same.

For Petitioner : M/s.V.R.Venkatesan

For Respondents : Mr.P.K.P.Karuppasamy

ORDER

This writ petition is filed for ***Writ of Certiorari***, to quash the impugned Settlement memo, dated 14.09.2019 made in LAM 862/2019



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(D.V.O.P.No.27 of 2018) on the file of the Presiding Officer, Lok-Adalat, Madurai District Court, entered between the Petitioner and the Respondent.

2. Heard M/s.V.R.Venkatesan, the Learned Counsel appearing for the Petitioner, Mr.P.K.P.Karuppasamy, the Learned Counsel appearing for the respondent and perused the material documents available on record.

3. The 1st petitioner and the respondent are husband and wife. The petitioner had preferred a criminal complaint before Police officials under the Tamil Nadu Prohibition of Women Harassment Act and Dowry Prohibition Act. Since there was matrimonial dispute between the 1st petitioner/wife and the husband/respondent, the matter was referred to the Lok Adalat. After negotiation, the parties had entered into settlement. In the settlement memo, wherein direction was issued to the respondent to hand over all the jewels to the petitioner and the respondent shall choose the place for their residence. The respondent shall also pay maintenance for the petitioners. According to the petitioner, none of the conditions were fulfilled by the respondent till now.



4. However, this was vehemently opposed by the respondent and submitted that they have handed over the jewels to the petitioner and has relied on the Settlement memo.

5. On perusal of Settlement memo, it is seen that the petitioner or petitioners' counsel have not signed in the said memo. Moreover, the 1st petitioner has also denied the receipt of jewels. From this, it is evident the memo is created for the sake of the case and the same cannot be accepted.

6. Since the parties have deviated from the Lok Adalat settlement, the same is liable to be cancelled.

7. Accordingly, the Lok Adalat Settlement, dated 14.09.2019 made in LAM 862/2019 (D.V.O.P.No.27 of 2018) on the file of the Presiding Officer, Lok-Adalat Madurai District Court, is hereby cancelled. The parties are directed to approach the concerned Forum for their relief.



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8. With the above terms, this Writ Petition is disposed of. There shall be no order as to costs.

Index : Yes / No
Internet : Yes
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To
The Presiding officer,
Lok-Adalat,
Madurai District Court.



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S.SRIMATHY, J

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**Order made in
W.P.(MD)No.13834 of 2021**

21.09.2023