



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

A.S.No.352 of 2017

1.Mahalingam

2.Rajakumari

... Appellants

Vs.

Kalyanasundaram

.. Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in O.S.No.38 of 2015 dated 14.03.2017 on the file of the Court of Principal District Munsif, Thiruvarur.

For Appellants : Mr.A.Muthukumar

For Respondent : Mr.A.Arunbabu



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J U D G M E N T

[Order of the Court was made by M.SUNDAR, J.,]

This judgment will now dispose of the captioned appeal i.e.,
A.S.No.352 of 2017.

2. This judgment has to be read in conjunction with and in continuation of earlier proceedings made in the captioned appeal in the listing on 22.01.2024, which reads as follows:

'Mr.A.Muthukumar, learned counsel on record for the two appellants and Mr.A.Arunbabu, learned counsel for sole respondent are before us.

2. Aforementioned both learned counsel submit that captioned appeal arises out of a partition suit amongst co- parceners. Both learned counsel submit that elements of settlement exist and it would be desirable to explore the possibility of settlement by resorting to mediation. Both learned counsel submit on instructions that considering the age of the parties it would be desirable to refer the matter to District Mediation Centre in the Thiruvarur District Court. Request acceded to.

3. Registry to transmit requisite papers and let the captioned matter be listed before the District Alternate Disputes Resolution



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Centre for mediation in Thiruvarur District on 01.02.2024 at 03.00 p.m.. Both sides submit that their respective parties will go before the Mediation Centre without insisting on a separate hearing notice. We request the District Mediation Centre, Thiruvarur to send a report to this Court in four weeks from the first sitting i.e., by 29.02.2024.

3. List on 04.03.2024.'

3. Mr.A.Muthukumar, learned counsel on record for two appellants is before us on the 'VC' ['Videoconferencing'] platform and Mr.A.Arunbabu, learned counsel on record for sole respondent is before us in the physical Court. To be noted, this is a hybrid hearing which is a regular/routine/daily feature in this Court.

4. Be that as it may, adverting to aforementioned proceedings made in the earlier listing on 22.01.2024 aforementioned both counsel submit that all the parties went before District Mediation Centre, Tiruvarur, sittings were held in the period between 01.02.2024 and 23.02.2024 and a settlement has been arrived at.

5. We perused the case file. We find that there is a report dated



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23.02.2024 bearing reference D.No.52/2024 from the 'District Mediation Centre, Tiruvarur-610 004' [hereinafter 'said Mediation Centre' for the sake of convenience] and a scanned reproduction of the same is as follows:

தமிழ்நாடு உயர் நீதிமன்றம்
தமிழ்நாடு உயர் நீதிமன்றம்
DISTRICT MEDIATION CENTRE, TIRUVARUR - 610 004
District & Sessions Court Buildings, TIRUVARUR - 610 004

Dist. Co-Ordinator
Mr. M. Srinithi, B.Sc., B.L.,
Former District Judge.

Co-Ordinator
T. Srinivasan, B.A., L.L.M.,
Co-Ordinator/Sub Judge (FAC)

D.No. 52/2024

The Hon'ble Assistant Registrar (A.S.)
Hon'ble High Court of Madras
Chennai-600 024.

Respectable Sir,

Sub: DIMC-Transfer-Order of Hon'ble High Court in A.S.352/2017 Dated 22.01.2024
Referred to Mediation Case-Sentist-Report-Submitted-Regarding.

Ref: 1. Order of the Hon'ble High Court, Madras in A.S.352/2017 Dated 22.01.2024
2. Letter received from the Assistant Registrar in ROC No.1320243 dated 24.01.2024.

Respectable Sir,

I humbly submit that, with regard to the reference cited above, the case in A.S.352/2017 was referred by the Hon'ble High Court of Madras for Mediation. During mediation, the Appellants and Respondent had attended four sittings during the period from 01.02.2024 to 23.02.2024.

Despite negotiations, both parties did agree upon an amicable settlement. Therefore, I humbly submit this report that the matter was sealed before the District Mediation Centre, Tiruvarur.

Case Details

Sl.No.	Mediation No.	Case No.	Status
...	04/2024	A.S.352/2017 filed before the Hon'ble High Court, Madras	Sealed

Yours faithfully,

Co-Ordinator/Sub-Judge (FAC)
District Mediation Centre
Tiruvarur.

Encl:-
Mediation Agreement and Notes Paper.

Copy Submitted to
The Principal District Judge,
Tiruvarur.



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6. Under cover of the aforementioned communication from said Mediation Centre, a Mediation Report dated 23.02.2024 from said Mediation Centre has been enclosed and a scanned reproduction of the same is as follows:

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DISTRICT MEDIATION CENTRE, TIRUVARUR

MEDIATION REPORT

Writ on File No. : 8/24.

Case No. : A.S.W. 352/2017.

Sealed by : Honble High Court Chennai

Date of Receipt : T. RAVICHANDRAN

Name of Mediator(s) : T. RAVICHANDRAN

Date of Mediation Sessions : 1.2.24, 9.2.24, 16.2.24 & 23.2.24

Name of the Parties to Dispute : 1. Plaintiff
2. Raju Ramani

Name of the Respondent(s) : Kalyan Sampuran

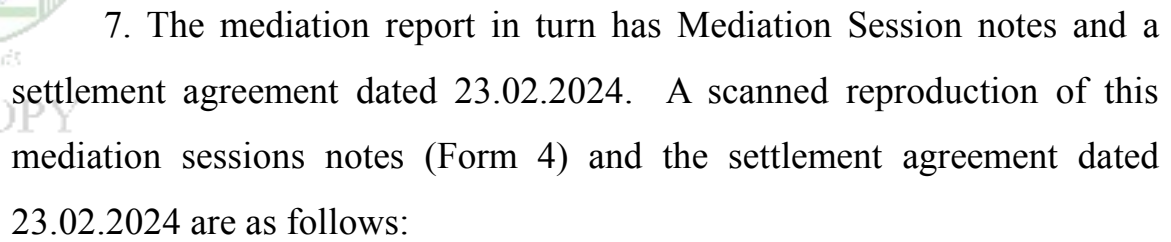
Consent for Petitioner(s) :

Consent for Respondent(s) :

1) Mediation completed, Agreement reached.
or
2) Mediation completed, No Agreement reached.
or
3) Petitioner(s) / Plaintiff(s) only appeared.
Willing / Not willing for mediation.
or
4) Respondent(s) / Defendant(s) only appeared.
Willing / Not willing for mediation.
or
5) Both parties were absent consecutively for three hearings.
Mediation could not be commenced.

Dated: 23-2-2024

Signature of the Mediator(s)
T. RAVICHANDRAN
T. RAVICHANDRAN



<https://www.mhc.tn.gov.in/judis>



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SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT entered into on 23.02.2024 between

1. Mahalingam
S/o.Somasundaram Pillai,
No.176/80, Main Road,
Peralam,
Nannilam Taluk & Mansil.
2. Rajakumari
W/o.Elangovan,
D/o.Somasundaram Pillai,
No.4/199K, Thirakural Nagar,
2nd Street, Gomathipuram,
Madurai 20.

.....Appellants

Vs

Kalyanasundaram
S/o.Ramasamy Pillai,
No.176/80, Main Road,
Peralam Post,
Nannilam Taluk.

.....Respondent

WHEREAS

1. Disputes and differences had arise between the Parties hereto and AS No.352/2017 was filed on 12.17.2017 before Hon'ble High Court, Madras.
2. The matter was referred to mediation / conciliation vide an order dated.22.01.2024 passed by Hon'ble High Court, Madras.
3. Several meetings were held during the process of Mediation / Conciliation from 01.02.2024 to 23.02.2024 and the parties have with the assistance of the Mediator / Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.
4. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator / Conciliator.
5. The following settlement has been arrived at between the Parties hereto:



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சாதி, பித்திரத் திருதாபினரும் சமரச மையத்தில் நேரில்
ஆதாரி பேச்சுதல் அடிப்படையில் திருதாபினரும் மேற்படி வழக்கு
செய்தில் 112 Share அபிவிருத்தி பிரித்துக்கொள்வதான முடிவெடுத்து
அதன்மீத மனமார்பிப்பதும் இவ்வகை அபிவிருத்தி முடிவெடுத்து
அவ்விதம் பிரித்துக்கொள்வதான முடிவெடுத்து இருவரும் சமமாக பிரித்து
கொள்ளுகள், மனமார்பித்து, உத் திருத வழக்கு முடிவுக்கு வந்துவிட்டது.

DATE: 23.02.2024



Party's Signature

Applicants

Respondent

Mediator
Mr. A. Arunbabu
Tiruvallur

8. Adverting to aforementioned communication, mediation report, mediation session notes and settlement agreement dated 23.02.2024, Mr.A.Muthukumar and Mr.A.Arunbabu, learned counsel on both sides, request that a consent compromise final decree in terms of the aforementioned settlement agreement dated 23.02.2024 may please be made.



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9. As regards the presence of the parties, as already alluded to supra, there are two appellants [plaintiffs 2 and 3 in the trial Court] {to be noted, first plaintiff died} and one respondent. Both the aforementioned learned counsel submit that all three parties, two appellants and sole respondent were present before said Mediation Centre and they have also signed aforementioned settlement agreement dated 23.02.2024 in the presence of one another and in the presence of their respective counsel.

10. Furthermore, both learned counsel submit that the presence of the parties for making the compromise decree may please be dispensed with considering the advanced age of the parties.

11. Considering the facts and circumstances of the case, nature of the matter and the manner in which the parties are circumstanced, the aforementioned request for dispensing with presence of the parties is acceded to on the peculiar facts and circumstances of this case making it clear that this will not serve as a precedent in all cases.

12. In the light of the narrative thus far, captioned main appeal i.e., A.S.No.352 of 2017 will now stand disposed of in terms of a compromise final decree which in turn will be in terms of settlement agreement dated



23.02.2024 (scanned and reproduced supra) and which will also form part of

the consent compromise final decree.

13. Captioned first appeal disposed of vide a compromise /consent judgment and final decree in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

04.03.2024

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

gpa



To

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1. The Principal District Munsif
Thiruvavarur
2. The Section Officer
V.R.Section
High Court, Madras.



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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

gpa

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