

ITEM NO.30

COURT NO.2

SECTION XIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 11496/2012

(Arising out of impugned final judgment and order dated 22/12/2010 in SA No. 358/1995 passed by the High Court Of Kerala At Ernakulam)

RADHAKUMARI AMMA & ORS.

Petitioner(s)

VERSUS

TRAVANCORE DEVESWOM BOARD

Respondent(s)

(with office report)

Date : 14/09/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr. K. Rajeev, Adv.

For Respondent(s) Mr. C.S.Rajan, Sr. Adv.
Mr. A. Raghunath, Adv.
Mr. Satheesh Mohanan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Shashi Sareen)

AR-cum-PS

(Signed order is placed on the file)

(Veena Khera)

Court Master

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 7027 OF 2015
(Arising out of SLP(C) No. 11496 of 2012)

RADHAKUMARI AMMA AND ORS. ... Appellant(s)

Versus

TRAVANCORE DEVESWOM BOARD ... Respondent(s)

O R D E R

Leave granted.

By our Order dated 27.01.2015 we had asked the parties to explore the possibility of an amicable settlement with the help of Mr. Justice K.T.Thomas, Former Judge of this Court acting as a Mediator. The Mediator has now submitted a report dated 21.07.2015, from a reading whereof it appears that the Mediator has not only held several sittings but even taken the trouble to visit the site site for inspection along with the parties. After holding parleys the parties have arrived at a settlement, the terms whereof have been set out by the Mediator in his report in the following words:

- "1. The petitioners gave up their claim for possession of the disputed land and in lieu thereof they agreed to accept compensation

fixed in the mediation.

2. The compensation amount shall be Rs.15,54,000/- (Rupees fifteen lacs and fifty four thousand)
3. The counter petitioner (TDB) reported that they have already deposited an amount of Rs.5 lacs in the Munsiff's Court Thiruvalla in O.S. 211/1980. If that is true the balance (Rs.10,54,000/-) alone need be deposited in the same court together with interest on that balance amount at the rate of 12% per annum from the date of the final order passed by the Supreme Court till the date when the deposit is made by TDS as indicated above or till the date of realization of the amount. (It is made clear that if there is no deposit of Rs.5 lacs as stated above, the interest shall be payable for the entire amount of compensation now fixed)
4. The TDB will pull down the compound wall for a length of 15 feet to enable the petitioners (and their successors) to have ingress and egress to the land which remains in the possession of the petitioners lying adjacent to the disputed suit property (the said gap should be provided in such a place as to make the entry for the petitioners directly into their property). Parties have identified the exact place where the aforesaid gap in the compound wall is required.
5. The TDB agree that no hindrance whatsoever will be caused to the petitioners/successors to enjoy their right of ingress and egress through the said gap to their property.
6. It is permissible to the TDB to erect pillars on both sides in the said gap of the wall without reducing its width of 15 feet.
7. If the TDB is not pulling down the compound wall in the manner mentioned above within one month from the date of the final disposal of the case by the Supreme Court in this case, the petitioners shall be entitled to employ such persons as they deem fit for carrying out the above work.
8. The SLP can be disposed of in terms of the

above settlement and the impugned decree of the High Court of Kerala will stand modified accordingly."

The Mediator has accordingly recommended that this appeal could be disposed of in terms of the above settlement.

Having heard learned counsel for the parties at some length, we see no reason why the appeal cannot be disposed of in terms of the settlement arrived at between the parties before the Mediator. We accordingly allow this appeal, set aside the judgment and order of the courts below and dispose of Civil Suit No. 211 of 1980 in terms of the settlement arrived at between the parties before the Mediator on the terms set out above. A decree shall now be drawn up in terms of the said settlement. The parties are left to bear their own costs.

.....J.
(T.S.THAKUR)

.....J.
(V.GOPALA GOWDA)

New Delhi,
Dated: 14th September, 2015.