

## **At District Mediation Centres**

### **1. Ariyalur**

#### *Specific Performance Suit - Settled*

A suit on the file of Sub Court, Ariyalur for the specific performance relief was posted for trial. Plaintiff and Defendant were present on that day. Sub Judge, Ariyalur had explained about the nature of suit and whether the parties are willing to go for negotiation talk before mediation centre. Both parties agreed to have a sitting before the mediator. Both the parties were directed to appear before mediation centre, Ariyalur on the same day. Mediator conducted mediation in the first day for 4 hours and had a continuation on the next day for 2 hours. Finally both parties agreed for settlement. Defendant had agreed to pay the Plaintiff a sum of Rs. 5,00,000/- on or before two months, failing which defendant has to pay the said amount with 12% interest. Terms of compromise was sent to Sub Court, Ariyalur. Both the parties expressed their happiness about the compromise and for the quick remedy rendered by the mediation on their own negotiation with the help of the mediator.

### **2. Chennai**

#### *Declaration of Status Suit - Compromised*

A salesman in a Corporation, Chennai, died in harness. The dispute related to his benefits, pension and employment on compassionate ground. First plaintiff is his second wife having married after demise of his first wife. Second plaintiff is son born through second wife. Defendants 1 and 2 are sons born through deceased first wife. Third defendant is the Corporation. Defendants 1 and 2 suppressing the existence of plaintiffs obtained a legal heir certificate from the Tahsildar, which was later cancelled by an orders passed in writ petition. Then, the District Collector directed the parties to seek a remedy through court. Plaintiffs filed a suit for declaration and injunction and the same was referred to mediation.

The dispute between the parties was amicably settled in mediation from through the mediator. The parties arrived at an agreement by which they agreed to divide retirement benefits of the deceased into four equal shares and each one agreed to take one such share. The first plaintiff, widow of deceased entitled to get pension and the parties agreed to give employment on compassionate ground to first defendant. Thus the parties who are family members successfully settled their family dispute in mediation and thus preserved family harmony and went on happily.

### **3. Cuddalore**

#### *Dispensed with Petition – Dispensed the Divorce*

A man, aged 32 years, got married on 06.09.2018 with a women. The very next day of marriage, both husband and wife parted their ways, separated from each other and was living separately. Then, the husband came up with a divorce petition along with an interlocutory application for dispensing with statutory period of one year for filing divorce petition. The Family Court referred the matter in the I.A. stage itself for mediation on 20.12.2018. A woman mediator conducted mediation effectively and successfully in just 4 sittings. Mediator heard not only the parties to the marriage, but also the elders of both the parties and facilitated them all properly. Talks went on smoothly for three sittings. In last sitting both the parties themselves came up with a settlement. It was reduced into a settlement agreement, and their dispute was settled through mediation. Both was happily united, on 15.02.2019. At the stage of dispensed with petition itself, they dispensed the divorce.

#### **4. Kanyakumari**

#### *Maintenance – Revision - Resolved*

Criminal Revision Petition pending on the file of Sessions Court, Kanyakumari was referred to mediation. It was against Maintenance Case where the Judicial Magistrate, Boothapandi, ordered to pay monthly maintenance with arrears. The Sessions Judge felt that it is a good case to refer to the mediation, where in the family life it is common that difference of opinion would arise between the couples. Both parties appeared before the mediator. The mediator explained the subject of mediation. After understanding the same the next day that case was settled and the parties got reunion.

#### **5. Krishnagiri**

#### *Cojole – Reunited - Settled*

After marriage, the couples lived amicably for one month only, afterwards misunderstandings arose between them and they are living separately. The husband took all efforts conveying panchayat with elders, and all his efforts ended in vain. He approached the Sub Court for restitution of conjugal rights.

Both parties were present on the mediation hearing date. Mediator explained the introduction about the process of the mediation to both the parties and felicitated them to arrive for an amicable settlement of issues. In the mediation process the parties took some clarifications from their counsels.

It is pertinent to note that all along the process the parties behaved very decently and co-operated with the process and the petitioner and the respondent jointly went to their matrimonial home. Accordingly, agreement was drafted by the counsels for both the parties and the matter was sent back to court along with agreement. Both the parties reunited and are living happily now.

#### **6. Puducherry**

#### *40 Years Old Partition Suit – Parties Themselves Partitioned the Property*

The suit for partition filed in the year 1978 on the file of Sub Court, Puducherry, between 11 parties was amicably settled through mediation. Plaintiffs 1 to 3 are daughters of deceased first wife. First defendant is his second wife and defendants 2 to 5 are their children. The plaintiffs filed the suit for partition and separate possession of their 3/8<sup>th</sup> shares in suit property.

The case was referred to the mediation centre, Puducherry for mediation. The mediator was nominated and the mediation process was started immediately. After mediation, the parties finally arrived at settlement and filed a compromise memo. The parties agreed to partition the suit properties as per the joint compromise memo. 40 years of old partition suit was settled through the mediation. It is yet another milestone in the mediation process.

#### **7. Ramanathapuram**

#### *Divorce Dispute – Got Reunion*

Having some contradictions, couples were separated by their own, for a long time. Petition under the Hindu Marriage Act was filed before the Sub Court, Ramanathapuram. It was referred to the mediation centre, since the Court realized that the matter may be settled through mediation. Mediator was nominated to deal the case. Both the husband and wife appeared before the mediator.

During the first sitting there was many contradictions persisted between the parties. They were not in a stage to unite together, blaming each other by words, facts as like north and south poles. The mediator has considered the case in a careful manner, and started to negotiate with

them for their reunion in a step by step method. The parties were sensitized about their case and lastly the couples got reunion and they thanked the mediation process by dissolving their problems through proper lawful negotiation.

## **8. Thoothukudi**

*D.V. Act Petition – Settled*

A man and woman married together in the year 2005. Wife is a Post Graduate degree holder and husband studied up to 10<sup>th</sup> standard. Husband has been running a travel business. Out of the wedlock two children were born. They have been living in a joint family. The wife had come to know that the husband has an addict of alcohol and also he has illegal intimacy with another lady for the last 10 years. The husband told his wife that he wants to bring his concubine to the house and to live with her in the same house. The wife rejected the said demand. The husband began to harass his wife and caused mental and physical torture. The husband was also demanding her to bring additional dowry to improve his travel business. Due to atrocities of the husband, wife left the matrimonial house to her to the parents' home.

Then, she filed a Domestic Violence Original Petition against her husband and his relatives before the Judicial Magistrate, Thoothukudi, u/s 12(1) of the Protection of Women from Domestic Violence Act, 2005, and it's connected Rules 2006. Having the said Magistrate filed that it is a fit case to resolve the dispute through the mediation, referred it to the District Mediation Centre, Thoothukudi. The mediation centre, Thoothukudi issued notice to the parties for their appearance. The husband and wife appeared before the Mediator. Both of them were not willing for compromise.

Then the mediator facilitated the parties. Again in the next hearing further facilitation was taken place and mediator informed the parties to reconsider their decision in order to lead future life and welfare of children. In the next hearing the wife her husband along with his brother and mother appeared before the mediator. On that day in the presence of all the parties and respective counsels further facilitation was taken place and out of it, the parties arrived at a settlement and reunited in the interest of children and their future life. The mother and brother of the husband agreed to give full support to the wife and the husband for their welfare. After the mediator settled and couples reunion, they left the centre along with their children with happy settlement between them. Both the parties have also thanked the Hon'ble Judges and members of the TNMCC.

## **9. Tiruchirappalli**

*Family Issue - Resolved*

After introductory speech by mediator, in a matrimonial dispute husband was speaking the problem between himself and his wife. The problem of the wife is no harm, as she used to repeatedly go to her parental home without informing him. On enquiry, a wordy quarrel, ultimately, lead to a clash. The main worry stated by the husband that the first female baby born to them died immediately on the movement of delivery. Thereafter, his wife was not happy with him. To satisfy himself, he used to take alcohol for his worries.

The wife spoke that there was no personal dispute between them and the consumption of alcohol by her husband she left him and, therefore, she sought for the parental house as asylum and living with them.

In the mediation, it was facilitated and elucidated the parties. The husband agreed that he himself quit and away from the alcohol, now he is living alone and preferred to take his wife by giving his entire salary to the hands of his wife and expressed his willingness to join with his

wife by making separate house. Equally, the wife insisted since the parents of the husband gave a lot of troubles and, therefore, she wants a separate family. The wife is also agreed to join with her husband to run a family.

In terms of agreement, it is agreed that the husband has to give a sum of Rs.10,000/- towards monthly family expenses and the same to be deposited in the bank account of the wife and further agreed to pay the monthly house rent of Rs.5,000/- besides taking family care.

The husband stated that they lived for more than eight years, and now joined together happily by giving legal effect. The husband happily signed as he has all along taking food from hotel and living alone and now join with his wife happily before the mediation centre.

The counsel on both the sides cooperated to the mediation process without any interference and assisting as a mere spectators to arrive an amicable settlement.

#### **10. Tiruvannamalai**

#### *Neighbours – Compound Wall Issue - Compromised*

Plaintiff filed a suit for seeking declaration of title with consequential prayer of permanent injunction against three defendants before the Additional Sub Court, Tiruvannamalai. The plaintiff and the defendants are neighbours. It was referred to the mediation centre for settlement. During the mediation process it reveals that, since the defendant is adjacent house owner of plaintiff, attempted to construct a wall in the plaintiff's boundary, the plaintiff filed the suit for injunction.

In the first sitting itself, the mediator found that since there is no dispute with regard to title between the parties, it may be settled amicably between the parties. After two sittings of negotiation talk, both parties had come to a conclusion by way of mutual understanding that the parties want to maintain a good relationship, since they are neighbours. Eventually, the plaintiff had come forwarded an agreement of settlement in the form of withdrawal of the suit from the court and to end all the disputes with the defendants. The defendants also agreed not to disturb the plaintiff in future. Then the agreement was sent to the court, and the court recorded the agreement and disposed the suit.

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