

SUCCESS STORY IN RESPECT OF
DISTRICT LEGAL SERVICES AUTHORITY, ERODE
IN NATIONAL LOK ADALAT HELD ON 11.02.2017.

The District Legal Services Authority truly added a feather in its cap by settling a intrawoven muhammadian family dispute for partition of properties amount father, his son and daughter that had its root in the year 1995.

The Story unravels with father and his three daughters filing a suit for partition against the only son of the father and brother of his three daughters in O.S. No.464/1995 before the I additional sub court, erode for division of the house property in which they were living It went all legal nuances and a preliminary decree was passed on 17.09.1999. Dissatisfied with the same, the Son has preferred an appeal in A.S. No.286/1999 before District Court and the same was dismissed on 02.02.2001. Against which a Second Appeal was filed before the Hon'ble High Court in S.A. No.985/2001 which was also dismissed on 20.01.2010. Then the father and his daughters have filed an application before the trial court for final decree in I.A. No.461/2011, wherein a compromise memo was filed and the same was retracted subsequently. Hence, a final decree came was passed on 4.4.2016, against which the son has filed an Appeal in A.S. No.106/2016. The youngest daughter who was the fourth plaintiff in the suit also filed an appeal in A.S. No.35/2016 before the District Court which while pending, were referred to National Lok Adalat held on 11.02.2017.

The aged father with wrinkled face, his robust son and family burdened daughters have appeared with emotions running red hot amongst them each depicting their own stories. It was a true a family dispute at helm crossing all borders with no one yielding an inch.

Their emotions and nerves were smoothed and calmed down at first instance and slowly moved to the issues amongst them as they were pacified and brought down to yield a space during which they lost the emotional issues and agree to settle the long drawn legal battle. After hours of embalmment a compromise was arrived among them and their terms were recorded and an award passed, putting an end 17 years old problem thereby restoring peace and happiness in their family.

It gave immense happiness, satisfaction and peace to both parties and to the Lok Adalat Bench. It is a real and remarkable success story which gives strength and success to Judiciary in resolving the dispute by ADR methods more specifically through Lok Adalats.

SUCCESS STORY IN RESPECT OF
DISTRICT LEGAL SERVICES AUTHORITY,
TIRUNELVELI
IN NATIONAL LOK ADALAT HELD ON 11.02.2017.

1. Syed Abdul Karim registered his company as partnership firm on 17.01.1955 in Register No.26/1955 and manufacturing and selling “Syed Beedi” from the year 1955 having registered trade mark but right from the month of October 2015.
2. Address of the company M/s. Syed Beedi Company, House of Syed, 110/E/20 South Buy Pass Road, Vannarpettai, Tirunelveli, Tamil Nadu.
3. J. Ganesan is selling beedi under the name and style of “Sellam Beedi”
4. J. Ganesan is residing at Door No.52, Santror Mada Street, Sinthamani, Puliyankudi, Sivagri Taluk, Tirunelveli District, Tamil Nadu.
5. J. Ganesan is running his company at Door No.15/11, Mella North Street, Sinthamani, Puliyankudi, Sivagri Taluk, Tirunelveli District, Tamil Nadu.
6. A Survey was conducted by “Syed Beedi” company marketing manager in the entire state of Tamil Nadu and on 10.05.2016 from the survey and the said Syed Abdul Karim come to know that at Puliyangudi in Tirunelveli District, Orathanadu in Thanjavur District, Paravurni at Pudukottai District, Kaikatti at Ramanathapuram District etc. in the state of Tamil Nadu the said J. Ganesan sold beedi under the name and style of “Sellam Beedi” which resemble3d the beedi manufactured and sold by Syed Abdul Karim

which affected the sale of the beedi of the said Syed Abdul Karim.

The Success Story in respect of a dispute in O.S No. 58/2016 on the file of III Additional District Court, Tirunelveli settled by this Authority in the National Lok Adalat held on 11.02.2017 in respect of infringement of Trade Mark/ Copyright of the Plaintiff.

The Plaintiff namely M/s. Syedu Beedi Company filed a case against the Defendant Thiru J. Ganesan stating that the Plaintiff Company is manufacturing and selling "Syedu Beedi" from the year 1955 having registered trade mark but right from the month of October, 2015, the sale of their beedi declined in the market. In this regard, a survey was conducted by their Marketing Manager in the entire State of Tamil Nadu and on 10.05.2016, the Plaintiff Company came to know that at Puliangudi in Tirunelveli District, Orthanadu in Thanjavur District, Paravurni at Pudhukottai District, Kaikatti at Ramanathapuram etc., the Defendant sold beedi under the name and style of "Sellam Beedi" which resembled the beedi manufactured and sold by Plaintiff Company, which affected the sale of beedi of the Plaintiff Company.

Hence, the Plaintiff Company after coming to know about the above fact, filed the said suit against the defendant for the reliefs of Permanent Injunction to restrain the defendant, his men, agents, representatives or any body claiming through him, from using the bundle paper, label, design, etc resembling the registered trade mark of the Plaintiff Company, Permanent Injunction restraining the defendant, his men, agents, representatives, etc. from selling, stocking, advertising the "Sellam Beedi" of the defendant resembling the "Syedu Beedi" of the Plaintiff Company, Mandatory Injunction against the defendant to hand over to the plaintiff the printing tools and other raw materials used by the defendant for

manufacturing the “Sellam Beedi”, for submitting the profit accounts of the defendant due to the above sales, for compensation and for cost etc.

The III Addl. District Judge, Tirunelveli has referred the above case to National Lok Adalat on 18.01.2017. Both the parties appeared in the Pre-Negotiation sitting of National Lok Adalat. The subject matter of the case was amicably resolved between the parties in the Pre-Negotiation sitting of the National Lok Adalat and the defendant agreed not to infringe the Trademark/ Copy Right of the Plaintiff and agreed to sell his “Sellam Beedi” in a new bundle paper with different design, label. A Joint Memo was reduced into writing and on the basis of the Joint Memo, an Award was passed in the Lok Adalat.

Thus National Lok Adalat on 11.02.2017 paved way for amicable settlement of the Trade Dispute and for smooth continuation of the business by both the parties.

SUCCESS STORY IN RESPECT OF
DISTRICT LEGAL SERVICES AUTHORITY,
TIRUCHIRAPPALLI
IN NATIONAL LOK ADALAT HELD ON 08.04.2017.

The Petitioner Tmt. Nagalakshmi @ Chandira Bai and the Respondent Mr. Nagaraj @ Raj Tilak @ Kalthoon Tilak were got married on 10.07.1966 as per Hindu rites and customs. After the marriage both petitioner and respondent were living jointly at Jaffersha Street, Tiruchirappalli. At the time of marriage, the respondent was working in the Telephone Department as Operator. Due to the wedlock, three children were born to them. Ie. Two sons and one daughter by name (1) Mr. N. Gopinath (2) Mrs. N. Sujatha and (3) Mr. Shanthi Babu.

During the year 1975, the Respondent got transfer to Chennai and left the petitioner and children at Trichy and refused to take them to Chennai.

After that, the petitioner living at Trichy along with her three children with great difficulties. The respondent slowly avoided to come to Trichy and ultimately he has not sent money to the petitioner and his children. The petitioner and her children were not able to lead their day to day life and great difficulties were crossed by them with sudden vigorous. The petitioner has took every steps to convince the respondent and try to live normal life, with their children, but somehow the respondent has not interested.

Instead of living with petitioner, then the respondent has filed the Divoce case in O.P.No.501/1979 for resolution of marriage. Then the petitioner has filed the maintenance case in M.C. No.191/1979 before the Judicial First Class Magistrate No.1, Trichy claimed maintenance for herself and for her three children. In the said proceedings the petitioner was awarded Rs.100/0 per month and children wer awarded Rs.25/- each and in all Rs.175/- was awarded on 30.08.1980. Then the respondent has filed the revision in CrI.R.C.No.38/1980 before the District Court, Trichy and the said revision was disposed off on 26.02.1981 whereby the order passed by the Magistrate was confirmed.

The Divorce O.P. filed by the respondent was disposed off on 2.9.1980 granting divorce. The above divorce got by respondent cunningly with the petitioner. At that time, the petitioner was not able to fight with the respondent and the petitioner was clueless and nobody helped her. No other way, the petitioner was forced to sign in the divorce proceedings. For that, no lump sum amount was received by the petitioner. With great difficulties and steps taken by the petitioner the respondent has sent Rs.175/- per month to the petitioner.

After getting the divorce, the respondent filed CMP No.21943/1981 u/s 126 Cr.P.C. before the Learned Magistrate and the said application was dismissed. Against the dismissal of CMP No.1943/1981, the respondent filed revision in CrI. R.C.No.495/1985 before the Hon'ble High Court and the said revision was also dismissed by the Hon'ble High Court. Since, then the respondent has paid the maintenance at the rate of Rs.175/- per month for some period and since from the year 2004, the petitioner is provided Rs.500/- per month.

With great difficulties and poor income the petitioner has given education to her children and also meet the expenses for their childrens' marriage. Now the elder son of the petitioner died and younger son is living with his family at Madurai. The daughter of the petitioner had lost her husband and living separately with her children.

After got divorce, the respondent has got second marriage immediately with another woman namely Lakshmi. At the same time the petitioner has stated that, the respondent is in wealthy condition and got money due to his voluntarily retirement from service from the Telephone Department and entered in the Cinema field as Actor. The respondent has changed his name also as Kalthoon Tilak, since, he wa acted in the cinema titled as Kalthoon. Thereafter, the respondent had acquired movable and immovable properties and the worth is said to be about Rs.10 Crores. Further the respondent is getting pension of Rs.20,000/- per month from the Telephone Department.

The petitioner is aged about 65 years, and not able to maintain herself the small amount of Rs.500 per month sent by respondent, and the respondent had cheated the petitioner for the past 20 years by giving small amount of maintenance by the respondent and the petitioner has asked Rs.12,000/- per month as monthly maintenance from the respondent by sending lawyer notice for proper food, health and livelihood. Since the petitioner is living alone in the rented house and suffering

from diseases like blood pressure, urinal infection etc. Further, the petitioner has to meet Rs.3,000/- per month as rent and medical expenses for Rs.5,000/- per month and proper food for Rs.3,000/- and other expenses like cloth etc for Rs.1,000/- per month. Therefore the petitioner demanded Rs.12,000/- per month as maintenance by having sent the lawyers notice to the respondent. For which the respondent refused and the petitioner has filed a maintenance case in M.C.No.44/2012 before the Family Court, Tiruchirappalli by stating the above facts and seeking orders from the court to pay monthly maintenance of Rs.12,000/- per month from the respondent to the petitioner.

For which, the respondent has filed the counter statement stating that the allegations of the petitioner are false, and he is he pensioner and for the latest month of 25.09.2012, the total pension of Rs.16,612/- The current pass book of the respondent will disclose the periodical payment towards the purchase of medicine from Karuppaiah Pharmacy at TTK Road, and the said payment is made towards cheque. Besides the Medicines the respondent underwent buy pass heart surgery and hydrocele and he is suffering all ailments as that of an old man. In other words his entire pension is absolutely for his up keep of his health and to survive as much as possible with grace of god. In other words the present pension of Rs.16,000/- is not sufficient to look after himself and he has to depend upon his wife to meet both the ends. Under these circumstances the respondent may not be in a position to contribute more than Rs.1,000/- for the maintenance of the petitioner. The respondent also stated that he has records to show that he is being treated by reputed Doctors and now a days it is an expensive affair for getting treatment and for consultation. Once in three months the respondent has to undergo the periodical lab test and that itself cost around Rs.2,500/- per month.

Further the petitioner replied that he is aged about 70 years and in the competitive world for the person like him proper opportunities are not available in the area of acting and there are numerous persons capable of acting for meager sum in view of unemployment. The petitioner has to prove that this respondent is still is acting and earning in crores in cinema as well in TV serials. The respondent is worth only of Rs.16,000/- as a pensioner and he does not own any immovable property either in India or abroad. The allegations that this respondent is worth about Rs.10 Crores is not only untenable but also unbelievable and the petitioner is put to a strict proof of the same. If the respondent were to be crorepathi, the petitioner would not

have been in a position to file this petition. The allegation of the petitioner that the respondent cunningly cheated the petitioner for 20 years does reflect the conduct of the petitioner in making false claim and the fact remains that without any modification of the earlier order this respondent has been making payment of Rs.500/- , Rs.325/- more than the amount awarded by the court. The allegation that the petitioner and the daughter are living separately is totally incorrect and the petitioner is in strict proof of the fact that she is living alone in the rented building, away from her daughter. Irrespective of the stand taken this respondent, as expressed in the reply, the respondent is willing to contribute Rs.1,000/- towards the maintenance of the petitioner out of Rs.16,000/- from the pension amount. If the court orders more than Rs.1,000/- as monthly maintenance to the petitioner it will affect the health of respondent.

The petitioner has restored to the present proceedings only to give disturbance and to the respondent and to harass not only this respondent as well the wife Lakshmi, who are interested in going on pilgrimage at the fag end of their life.

In this stage, the above case was referred to National Lok Adalat for settlement on 08.04.2017. Both parties are present with their counsel. The matter is discussed deeply in the Lok Adalat Bench and facilitated the parties to arrive an amicable settlement. Due to the sincere efforts taken by Hon'ble Principal District Judge Thiru S. Kumaraguru, Family Court Judge Tmt. Thilagam, and Permanent Lok Adalat Chairman/District Judge Thiru K. Subramanian and the Lok Adalat Bench the matter was settled. As per the settlement, the petitioner has received Rs.2,50,000/- in cash as Permanent alimony from the respondent and the petitioner undertakes not to file any case in future against the respondent for maintenance.

In view of the settlement arrived between the parties in the National Lok Adalat held on 08.04.2017 a long pending dispute ie. more than 39 years truckles between the parties with their life was ended and both parties expressed their gratitude to the Lok Adalat Bench.