

FAMILY DISPUTES & ADR

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MEDIATION PROCEDURE IN MODEL CASE

IN THE COURT OF THE HON'BLE CHIEF JUDGE, CITY CIVIL COURT
AT HYDERABAD

O.S .No: XX /2020

Between:

Mrs. Jyothika, W/o. Mr.Ramesh kumar,
Aged about 35 years, Home Maker,
Labbipet, Vijayawada-2.

.... Plaintiff

AND

1. Smt. Rajamani, W/o. Late Sri Raghava Rao,
Aged about 65 years, Occ: Home Maker,
R/o. House No:12-1-53, Basheerbagh, Hyderabad -500001.
2. Mr Surya Prakash, S/o. Late Sri Raghava Rao,
Age about 45 year, Business, R/o. House No: 12-1-53,
Basheerbagh, Hyderabad -500001.
3. Mr. Chandra Prakash, S/o. Late Sri Raghava Rao,
Aged about 40 years, Occ: Doctor, R/o. House No:12-1-53,
Basheerbagh, Hyderabad -500001.

..... Defendants

MEDIATION REPORT

By the order dated 10th Day of February, 2020 The Hon'ble Chief Judge, City Civil Court Hyderabad had appointed Mr. Sudhakar from the Panel of Mediators of City Civil Court, Hyderabad as mediator and had referred the aforementioned matter for reconciliation /mediation between the parties above said case.

Facts:

1. The plaintiff and defendants are legal heirs of Late Sri Raghava Rao, a retired Civil Servant of the Government of Andhra Pradesh.
2. Sri Raghava Rao, the father of the plaintiff died intestate leaving behind immovable properties including their dwelling house situated at Road No. 1 Jubilee Hills(worth Rs.2 Crores), Hyderabad; Their farmhouse at Ananthagiri Hills (worth Rs. 75 Lakhs) in Vikarabad District; their old house at Basheer Bagh (worth Rs. 1 crore),Hyderabad.
3. The plaintiff claims that she is the class I legal heir of the deceased and that she is entitled to $\frac{1}{4}$ th (one fourth) of total properties left by the deceased.
4. The plaintiff came to know that the defendants had orally agreed to distribute (Partition) the properties amongst the defendants excluding the share of the plaintiff.
5. The proposed partition and allocation of shares entered amongst defendants are as follows: dwelling house situated at Road No. 1 Jubilee Hills (worth Rs.2 Crores), Hyderabad for Surya Prakash, farmhouse at Ananthagiri Hills (worth Rs. 75 Lakhs) in Vikarabad District for Chandra Prakash and house at Basheer Bagh (worth Rs. 1 crore), Hyderabad for Smt. Rajamani wife of Raghava Rao.
6. The plaintiff intervened and claimed her share for which the Defendant No. 1 had agreed and Defendants No. 2 & 3 disagreed on the ground that they spent Rs. 50,000 for solemnization their sister's marriage.
7. Aggrieved by decision of defendants No. 2 & 3, the plaintiff approached the Hon'ble Chief Judge, City Civil Court Hyderabad. Hence the court appointed the mediator.

MEDIATION PROCEEDINGS

Dated: 29th February, 2020

1. Pursuant to the orders of the Hon'ble Court the Mediator had served notices upon both the sides and the proceedings were conducted at the office of the Mediator at Hyderabad on 29th February, 2020.
2. On 29th Feb 2020 all the defendants except Mr. Chandra Prakash – Defendant No. 3 were present. The panelist comforted the members of the family and had taken them in confidence and began the proceedings by recording the versions of the individuals and also had in camera discussions.
3. Mr. Surya Prakash – Defendant No.2 vehemently opposed to provide share to his sister on the ground that they spent lot of money in the form of cash and kind at the time of marriage and even after the marriage of his sister in order to enable her to settle down.
4. Whereas the mother of the plaintiff is willing to give some share to her daughter out of love and affection.
5. The daughter - plaintiff stated very clearly that spending for marriage is indispensable duty of the parents and pious obligation of brothers in any society. Moreover, she is class I heir of the deceased and she is legally entitled to her share in the aforesaid properties.
6. The entire day was spent with the family members wherein they were made aware of various social, financial and legal dimensions of the said civil litigation and they were requested come on next day of adjournment along with Mr. Chandra Prakash.
7. Mrs. Jyothika told that she has to go back to Vijayawada in order to attend the special needs of her two children further. She requested

the panelist to adjourn the proceedings to next date so that she can bring her two children to Hyderabad in order to stay with her mother and to attend the proceedings for which all other members agreed.

// As per the request of all the parties – the mediation proceedings have been adjourned to next date i.e., 10th March, 2020 at the same venue. //

Dated: 10th March, 2020

8. All the parties were present before the mediator to discuss about the reconciliation of differences amongst them and to take steps in the direction of settlement and distribution of the properties. The Defendants No. 2 & 3 in principle agreed to give some monetary amount to their sister – plaintiff but both of them did not agree to give share in the property as claimed by the plaintiff.
9. As the matter stood thus, it was revealed to the mediator by the Defendant No. 1 (Mother) that both the Brothers (Defendants No. 2 & 3) had some personal differences and altercations with their Brother-in-law i.e., the husband of the plaintiff due to which they are exhibiting reluctance to allocate share to the plaintiff. Further, it was revealed that the Brother-in-law intends to sell away the property of their sister as soon as it is partitioned.
10. The Mediator had provided opportunity for the family members to discuss the terms of settlement and to iron out the differences between them. The parties conducted deliberations for nearly two hours and came out with a model terms and conditions for the settlement of property. After the conclusion of the discussions Defendant No. 1 – Mr. Surya Prakash sought another adjournment since the value of the properties is in crores.

*// As per the request of all the parties – the mediation proceedings
have been adjourned to next date i.e., 26th March, 2020 at the
same venue. //*

Dated: 26th March, 2020

11. Due to the unprecedented lockdown imposed in the state due to the outbreak of novel COVID-19 virus. The hearing was adjourned to 31st March, 2020.

Dated: 31th March, 2020

12. The elder brother – Mr. Surya Prakash had come up with the amicable terms of settlement and had forwarded the copy signed by the Defendants to the mediator, which was forwarded to the plaintiff who agreed with the same and had affixed her signatures and sent scanned copy to the mediator.

Sd/-
Mr. XYZ
Mediator

MEDIATION AGREEMENT

1. All the parties had amicably agreed to remove their differences by partitioning and allocating the properties as mentioned in this agreement subject to certain conditions.
2. The house situated at Jubilee Hills (worth Rs.2 Crores), Hyderabad for shall be allocated to Mr. Surya Prakash, The farmhouse at Ananthagiri Hills (worth Rs. 75 Lakhs) in Vikarabad District for Chandra Prakash and whereas the house at Basheer Bagh (worth Rs. 1 crore), Hyderabad will be jointly allocated to Smt. Rajamani and Mrs. Jyothika.
3. Both the brothers had agreed to deposit a sum of Rs. 10 Lakhs each in the form of fixed deposit in the name of the two daughters of Mrs. Jyothika and even agreed to execute release deed whereby relinquishing their shares in the Basheer Bagh property. In return, Mrs. Jyothika also agreed to execute release deed relinquishing her rights in Jubilee Hills and Ananthagiri Property.
4. All the children agreed that the house at Basheer Bagh shall not be alienated or disposed or mortgaged during the lifetime of their mother Mrs. Rajamani. Further, in the event of demise of Mrs. Rajamani, the whole property shall vest in the name of Mrs. Jyothika who will become whole and sole owner of the property.
5. All the parties agreed that during the lifetime of their mother Mrs. Rajamani, the rents accruing from the Basheer Bagh property shall be used for her medical needs and for the purpose of her sustenance.
6. All the parties have agreed to note to demolish their house at Basheer Bagh during the life time of their mother Mrs. Rajamani owing to sentiments and attachment to the old house. If in case,

the demolition becomes inevitable then the total consent should be there from Mrs. Rajamani and the brothers.

7. All the parties have agreed that if in case, Mrs. Jyothika intends to sell the Basheer Bagh property then her brothers Mr. Surya Prakash and Chandra Prakash shall have first preference to purchase the same at the existing open market rate.
8. All the siblings had agreed that they will take care of the needs of their mother to her utmost satisfaction and shall provide medical care whenever needed without any hesitation.
9. That all the properties which have been partitioned should be mutated in the names of their respective owners.

Dt: 31st March, 2020.

Sd/- Mrs. Rajamani.

Sd/- Mr. Chandra Prakash

Sd/- Mr. Surya Prakash

Sd/- Mrs. Jyothika

Covering Letter

To,
The Hon'ble Chief Judge,
City Civil Court,
Hyderabad.

Dt: 31st March, 2020.

SUB : Submission of Mediation Report

REF : Orders passed in O.S. No. XX of 2020;
Dt: 10th February, 2020.

Respected Sir,

With regard to the subject referred above I hereby submit the mediation report as follows:

1. Mediation proceedings were conducted in the instant case and there were three sittings viz. on 29th February, 10th March, 31st March 2020.
2. Opportunity was given to all the parties to present their narratives and contentions. All the parties were provided opportunity to resolve their differences by discussing their terms and conditions for settlement.
3. Despite initial reluctance, the parties had finally agreed to the terms and conditions as mentioned in the Mediation Agreement without any doubt or reservations.

In view of the above, the mediation agreement is hereby forwarded before the Hon'ble Court for its perusal.

Enclosed: Mediation Agreement.

Sd/-
Mr. XYZ
Mediator.