

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

ASMP.No.389 of 2015
in/& Appeal Suit No.575 of 2006

—
Dated 24.04.2015
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Between:

Yedavilli Suryanarayana and 2 others

**... Appellants/
Non-applicants in ASMP**

and

Satti Sudha Rani

**...Respondent/
Applicant in ASMP**

Counsel for the appellants: Mr.T.S.Anand

Counsel for the respondent: Mr.TVS.Prabhakara Rao

The Court made the following:

Common Order:

AS.No.575 of 2006 arises out of the judgment and decree,

dated 31-03-2006, in OS.No.122 of 2002, on the file of the Court of the learned I Additional Senior Civil Judge, Rajahmundry, whereby he has decreed the suit filed by the respondent for specific performance of agreement of sale, dated 30-01-2002.

ASMP.No.389 of 2015 is filed by the respondent for a direction to the Registry to return the original documents marked as Exs.A.2 to A.5 in the suit.

In the affidavit, filed in support of the ASMP, the respondent has averred that recently, the dispute between the parties was settled out of the Court; that in pursuance thereof, they have executed sale deed No.6748/2014, dated 08-10-2014; and that the same was registered on the file of the Sub-Registrar's Office, Rajanagaram. In support of this plea, the respondent has filed a copy of the registered sale deed.

Taking note of the above fact, this Court has adjourned the case on 22-04-2015 to enable the learned Counsel for the appellants to obtain instructions from his clients.

Today, Mr.TS.Anand, learned Counsel for the appellants, submitted that, though no specific instructions have been received from his clients, on a perusal of the copy of the registered sale deed, dated 08-10-2014, executed by his clients, he is convinced that the dispute is settled out of the Court. He has, therefore, submitted that the Appeal need not be adjudicated on merits.

In the light of the above facts, the Appeal is dismissed as settled out of the Court.

ASMP.No.389 of 2015 is allowed and the Registry is directed to forthwith send back the original record pertaining to OS.No.122 of 2002 to the lower Court to enable the parties to seek return of the original documents filed therein.

As a sequel to dismissal of the Appeal, interim orders, dated 01-12-2006 and 26-12-2013, are vacated and ASMP.Nos.2040 of 2006 and 2976 of 2013 are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 24th April, 2015

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