

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CMAMP.No.1451 of 2015

in/And

CMA.No.1016 of 2008

JUDGMENT:

This civil miscellaneous appeal under Order XLIII Rule 1 and Section 151 of the Code of Civil Procedure, 1908 is filed by the appellant/ auction purchaser assailing the orders dated 19.08.2008 of the learned Senior Civil Judge, Medak passed in EA.No.3 of 2006 in EP.No.10 of 2004 in OS.No.1294 of 2003.

2. CMAMP.No.1451 of 2015 is filed by the 1st respondent/petitioner along with a memorandum of compromise praying to record the compromise entered into between the parties and to dispose of the appeal in terms of the compromise.

3. When the matter is taken up for hearing, the learned counsel for the appellant/auction purchaser and the learned counsel for the 1st respondent/JDr.No.2 have submitted that the parties have amicably settled the matter along with the decree holder and that in view of the said settlement, they had agreed to enter into a compromise not only in respect of the present appeal but also another connected appeal in CMA.No.379 of 2007 on the file of this Court and that in the said CMA also a compromise memo is being separately filed by the JDr and that the terms of the compromise are reduced into writing and a memorandum of compromise is filed along with CMAMP.No.1451 of 2015 and that, therefore, the compromise may be recorded and the appeal may be disposed of in terms of the compromise.

4. Though in this appeal the decree holder/2nd respondent is stated to be not a necessary party, today the decree holder is present represented

by her learned counsel. The appellant and the 1st respondent are present. They are duly identified by their respective counsel. They have also produced copies of documents showing their identity. They have admitted the terms of compromise and stated that they had entered into compromise voluntarily with free will and consent and without any coercion from any quarter.

5. Since this Court is satisfied that the compromise was entered into by both the parties with free will and consent and without any pressure from any quarter and since the parties had admitted the terms of compromise before this Court, the compromise is recorded.

6. Accordingly, CMAMP.No.1451 of 2015 is allowed and the Civil Miscellaneous Appeal is disposed of in terms of compromise. The memorandum of compromise shall form part of the decree.

Miscellaneous petitions, pending if any, in this appeal shall stand closed.

M. SEETHARAMA MURTI, J

18.09.2015

Vjl