

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

APPEAL SUIT No.496 of 2015

Between:

Kosana Kanakamma and another.

... Petitioners.

AND

M/s. Sri Kala Enterprises, rep.by its

Managing Partner Dereddy Narayana Reddy,
Visakhapatnam, Andhra Pradesh.

...Respondent.

DATE OF JUDGMENT PRONOUNCED: 13-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

HON'BLE SRI JUSTICE S. RAVI KUMAR

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|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |

3 Whether Their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment?

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

HON'BLE SRI JUSTICE S. RAVI KUMAR

APPEAL SUIT No.496 of 2015

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Date:13-07-2015

Between:

Kosana Kanakamma and another.

... Petitioners.

AND

M/s. Sri Kala Enterprises, rep.by its

Managing Partner Dereddy Narayana Reddy,
Visakhapatnam, Andhra Pradesh.

...Respondent.

The Court made the following :

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

HON'BLE SRI JUSTICE S. RAVI KUMAR

APPEAL SUIT No.496 of 2015

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JUDGMENT: (Per Hon'ble Sri Justice Ramesh Ranganathan)

This appeal is preferred by the defendants in O.S.No.123 of 2009 aggrieved by the suit being decreed by the learned VII Additional District Judge (Fast Track Court), Visakhapatnam in O.S.No.123/2009 dated 31-3-2015.

After the matter was heard by the Court below, and orders were reserved, the learned counsel for the respondent-plaintiff filed a memo dated 12-03-2015 stating that the matter had been settled among the parties outside the Court; the plaintiff was not pressing the case; and the same may be dismissed without costs. This memo was endorsed on 18-03-2015 by the learned counsel for the appellants-defendants that they had no objection. Despite such a memo being filed, the Court below decreed the suit in favour of the plaintiff.

Both Sri P. Nageswara Rao, learned counsel for the appellants-defendants and Sri K. S. R. Murthy, learned counsel for the respondent-plaintiff, would agree

that, since the respondent-plaintiff had filed a memo before the Court below for dismissal of the suit, the appeal must be allowed and the suit dismissed as withdrawn.

The appeal in A.S.No.496 of 2015 is allowed, the order passed in O.S.No.123 of 2009 dated 31-03-2015 is set aside and O.S.No.123/2009 is dismissed as withdrawn. Miscellaneous petitions, if any, pending in this appeal, shall stand disposed of.

JUSTICE RAMESH RANGANATHAN

JUSTICE S. RAVI KUMAR

Date:13-08-2015

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