

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

SAMP.No.1016 of 2015
in/And
Second Appeal.No.1602 of 2004

JUDGMENT:

This Second Appeal under Section 100 of the Code of Civil Procedure, 1908 is filed by the appellant/ defendant assailing the decree and judgment dated 08.11.2004 of the learned V Additional District Judge, Warangal passed in AS.No.72 of 2001 whereby the learned Additional District Judge, while allowing the said appeal, had set aside the decree and judgment dated 24.04.2001 of the learned II Additional Junior Civil Judge, Warangal passed in OS.No.773 of 1996.

2. SAMP.No.1016 of 2015 is filed by both the parties along with the memorandum of compromise praying to record the compromise entered into between the parties and to dispose of the second appeal in terms of the compromise.

3. When the matter is taken up for hearing, the learned counsel for both the parties have stated that the parties i.e., the appellant and the respondents 1 and 2 have amicably settled the matter outside the Court and that the terms of compromise are reduced into writing and a memorandum of compromise with the said terms is filed along with SAMP.No.1016 of 2015 and that, therefore, the second appeal may be disposed of in terms of compromise.

4. The appellant and the respondents 1 and 2 are present before this Court today. They are identified by their respective counsel. They have also produced copies of documents showing their identities. When examined by the Court, they have stated that they have entered into

compromise voluntarily with free will and consent and without any pressure from any quarter. They have unanimously stated that out of item no.1 of suit schedule premises in an extent of Ac.9.00 guntas, the plaintiffs agreed to give and deliver vacant possession to the defendant/appellant an extent of Ac.3.10 guntas, more fully described in paragraph 4.A of the memorandum of compromise, and that the remaining properties mentioned in the memorandum of compromise shall belong to the plaintiffs and that they have no objection for recording the compromise.

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 have admitted the terms of compromise before this Court, the compromise is recorded.

6. Accordingly, SAMP.No.1016 of 2015 is allowed and the Second Appeal is disposed of in terms of compromise by setting aside the decree and judgment of the Court below whereby the decree and judgment of the trial Court are set aside. 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

26th June,, 2015
Vjl