

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

S.A.M.P.No1059 of 2015

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S.A.No.198 of 2010

JUDGMENT:-

This Second Appeal No.198 of 2010, under Section 100 of C.P.C., is filed by the appellant/unsuccessful second defendant, assailing the decree and judgment dated 18.12.2009, of the learned Senior Civil Judge, Peddapalli, Karimnagar District, passed in A.S.No.19 of 2004, whereby, the learned Senior Civil Judge, while allowing the said appeal, had set aside the common decrees and judgment, dated 31.07.2004, of the learned Junior Civil Judge, Sultanabad, Karimnagar District, passed in O.S.Nos.2 and 22 of 1998.

2. S.A.M.P.No.1059 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 by setting aside the judgments of both the Courts below.

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 first respondent have settled the matter amicably and that the terms of settlement are reduced into writing in the memorandum of compromise dated 24.06.2015 filed before this Court along with S.A.M.P.No.1059 of 2015 and that as per the terms of compromise, the first respondent had received a sum of Rs.2,00,000/- from the appellant by way of a demand draft bearing No.606673, dated 22.04.2015, drawn on State Bank of India, Karimnagar Branch, and

that in view of the settlement arrived between the parties and the memorandum of compromise, the second appeal may be disposed of in terms of compromise.

4. I have heard the submissions of the learned counsel for the appellant/second defendant and the learned counsel for the first respondent/plaintiff and perused the material record.

5. The appellant and the first respondent are present before this Court today. The appellant and the first respondent have produced the copies of documents showing their identities. When examined by this Court, they have stated that they have entered into compromise voluntarily with free will and consent and without any pressure from any quarter and had admitted the terms of compromise before this Court.

6. 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.

7. Accordingly, S.A.M.P.Nos.1059 of 2015 is allowed and S.A.No.198 of 2010 is disposed of in terms of compromise by setting aside the decree and judgment in A.S.No.19 of 2004 of the Court below, wherein, the decree and judgment of the trial Court are set aside. The memorandum of compromise shall form part of the decree. The parties are entitled for refund of Court fee as per the rules. Consequently, miscellaneous petitions pending, if any, also stand disposed of. There shall be no order as to costs.

M. Seetharama Murti, J

09th July, 2015
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