

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

S.A.M.P.No.2055 of 2015
In/And
Second Appeal No.367 of 2015

JUDGMENT:

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This Second Appeal under Section 100 of the Code of Civil Procedure ('the code', for brevity) is directed against the judgment dated 01.12.2014 passed in A.S.no.30 of 2014 on the file of the learned II Additional District Judge, Kurnool at Adoni. The learned Additional District Judge had allowed the appeal while setting aside the judgment and decree dated 27.06.2014 passed by the learned Principal Junior Civil Judge, Adoni in O.S.No.102 of 2007.

2. When this second appeal is taken up for hearing, the learned counsel for both the sides had submitted that the parties, i.e., the appellants 1 and 2 and the 1st respondent have amicably settled the matter at the instance of the well wishers and now, both the parties, having settled the matter, moved S.A.M.P.No.2055 of 2015 seeking to pass decree in terms of the memorandum of compromise. The Memorandum of compromise has been placed on record.

3. The appellants 1 and 2 and respondents 1 and 4 are present before this Court. They have been duly identified by the learned counsel appearing on their behalf. The parties had also produced copies of documents showing their identity.

4. The terms of the compromise are read over and explained to the parties in the presence of the learned counsel and the same are admitted. This Court is satisfied that the parties voluntarily and with free will and consent have entered into the compromise.

5. Under the terms of the compromise, the appellants have executed the registered relinquishment deed dated 09.09.2015, vide document no.8669 of 2015 in favour of the 1st respondent herein relinquishing their rights in respect of said plot nos.49, 50 and 51 and that the appellants had agreed not to claim right, title or interest in respect of the said plots and that the 1st respondent shall be the absolute owner and possessor of the said plots. It was further stated in the terms of compromise that the appeal against respondents 2 to 4 is not pressed.

6. In the result, S.A.M.P.No.2055 of 2015 is ordered and the Second Appeal is disposed of in terms of the compromise insofar as the appellants 1 and 2 and the 1st respondent is concerned. However, the appeal against respondents 2 to 4 is dismissed as not pressed. A copy of the Memorandum of Compromise shall be annexed to the decree. No costs.

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

JUSTICE M.SEETHARAMA MURTI

26th October 2015
RAR

