**HON'BLE SRI JUSTICE R. KANTHA RAO**

**AS MP No.2235 of 2015**

**and**

**A.S. No.783 of 2012**

**JUDGMENT**:

The petitioner/appellant and the 1st respondent are present. Heard the learned counsel appearing for the petitioner/appellant, 1st respondent and respondents 2 to 7.

2. In a suit for specific performance of agreement of sale (Ex.A.1) dated 24.07.1991, comprising A and B schedule property, the trial court decreed the suit in respect of A schedule property, which is an extent of 820 sq. yards of the land and directed all the defendants to execute the sale deed in favour of the plaintiff, within three months from the date of passing of the decree and put the plaintiff in vacant possession of the A schedule property and the claim in respect of the B schedule property was dismissed.

3. The petitioner-Appellant filed compromise petition in AS MP No.2235 of 2015 stating that at the intervention of elders, the matter was compromised between the parties and both the parties agreed that the petitioner/appellant is entitled to 45% share and the 1st respondent is entitled to 55% share in 500 sq. yards out of 820 sq. yards described in the plaint A schedule property.

4. The parties to the compromise petition are the appellant and the 1st respondent. Respondents 2 to 7 in the appeal filed objections to the proposed compromise between the appellant and 1st respondent, on the ground that it affects their rights. It is further stated that the Revenue Authorities have claimed an extent of 250 sq. yards of the appellant and 200 sq. yards of the 7th respondent on the ground that it is part of *Sikham* land and therefore, they contended that if the compromise is allowed, without any measurements and without identifying the actual possession, it

would lead to unnecessary litigation and affects their rights.

5. The fact that the Revenue Authorities are claiming an extent of 250 sq. yards from the appellant and 200 sq. yards from the 7th respondent is not an issue in the subject suit. For the first time, respondents 2 to 7 have raised the said objection during the compromise.

6. Since the appellant and 1st respondent entered into compromise and agreed to divide at 45% and 55% share each in 500 sq. yards out of 820 sq. yards, (plaint A schedule property) and the claim/ objections of respondents 2 to 7 is not the issue in the subject matter, the compromise petition i.e., AS MP No.2235 of 2015 is allowed and the appeal is accordingly disposed of in terms of the said compromise. The miscellaneous petitions pending, if any, in this appeal, shall stand closed. No order as to costs.

***R. KANTHA RAO, J***

Date: 09.11.2015

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**HON'BLE SRI JUSTICE R. KANTHA RAO**

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**AS MP No.2235 of 2015**

**and**

**AS NO.783 of 2012**

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