

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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Second Appeal No.556 of 2005

JUDGMENT:

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This is an appeal under Section 100 of the Code of Civil Procedure, 1908 by the unsuccessful sole defendant (since died) assailing the decree and judgment dated 02.03.2005 of the learned III Additional District Judge (Judge, Fast Track Court), Ongole in AS.No.175 of 2004 whereby the learned Additional District Judge while allowing the said first appeal had reversed the decree and judgment dated 02.08.2004 of the learned I Additional Junior Civil Judge, Ongole, in OS.No.238 of 2001 and had decreed the said suit filed by the plaintiff for a perpetual injunction to restrain the defendant and his men from interfering with the plaintiff's peaceful possession and enjoyment of the plaint schedule property.

When the matter is taken up for hearing, the learned counsel for both the sides had submitted that the matter was in-fact settled between the parties and a joint memo dated 09.02.2015 was also filed into the Court. But, when the matter was referred to the Lok Adalat, the matter was not settled for the reason that the parties were not available for signing on the Award by the time the Award was made and that, therefore, the matter was returned to this Court as unsettled, though, in fact, the matter was settled out of the Court.

Both the learned counsel, who are present today, while making submissions in line with the contents of the joint memo already filed into Court, had stated that the amount due has already been paid and that, therefore, the appeal may be dismissed as nothing survives for adjudication in the appeal.

Recording the above said submission, the Second Appeal is dismissed as nothing survives for adjudication. There shall be no order as to costs.

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

M. SEETHARAMA MURTI, J

27th July 2015

Note: Issue CC by 03.08.2015

(B/o)

Vjl

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