

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

S.A.M.P.No.1002 of 2015
and
SECOND APPEAL No. 552 of 2012

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JUDGMENT

The unsuccessful defendant had preferred this second appeal assailing the decree and judgment dated 07.12.2011 in A.S.No.196 of 2009 of the learned X Additional District Judge (Judge, Fast Track Court), Ranga Reddy District at L.B.Nagar, whereby the learned Additional District Judge while dismissing the said appeal had confirmed the decree and judgment dated 29.01.2009 in O.S.No.879 of 2012 on the file of the learned V Additional Senior Civil Judge (Judge, Fast Track Court), Rangareddy District.

2. When the matter is taken up for hearing, the learned counsel for both sides had submitted that the parties had amicably settled the matter outside the Court and that the memorandum of compromise wherein the terms of compromise are reduced into in writing is filed into Court along with SAMP.No.1002 of 2015 requesting to record the compromise and dispose of the second appeal in terms of the compromise.

3. The appellant/defendant and the respondents 2,3 and 4 are present. The 1st respondent had died. The 5th respondent, who is residing abroad is being represented by the 3rd respondent, who is no other than his brother and also power of attorney holder. A copy of the power of attorney produced into Court discloses that it authorises the 3rd respondent to enter into and admit the compromise on behalf of the 5th respondent.

4. The learned counsel for both the parties identified the respective parties. The parties produced the copies of documents in proof of their identities. Both the parties, when examined in open Court, had stated that they had entered into the compromise voluntarily and with free will and consent and without any force from any quarter and that this appeal can be disposed of in terms of compromise. On such examination of the parties, this Court is satisfied that the compromise was entered into by the parties with free will and consent and, therefore, can be recorded.

5. Accordingly, S.A.M.P.No.1002 of 2015 is ordered and the Second Appeal is allowed in terms of the compromise and the impugned decree and judgment confirming the decree and judgment of the trial Court are set aside and consequently, the suit is dismissed. The memorandum of compromise shall form part of the decree. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand closed.

M. SEETHARAMA MURTI, J

25th June, 2015

sj