

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

S.A.M.P.No.1986 of 2015

and

SECOND APPEAL No. 1032 of 2012

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JUDGMENT

The unsuccessful plaintiff had preferred this second appeal under Section 100 of the Code of Civil Procedure, 1908 assailing the decree and judgment dated 05.08.2011 in A.S.No.25 of 2009 of the learned VI Additional District Judge, (Judge, Fast Track Court), Prakasam District at Markapur.

2. When the matter is taken up for hearing, the learned counsel for both sides had submitted that the appellant/plaintiff and the respondents 1 and 2/defendants 1 and 2 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.1986 of 2015 requesting to record the compromise and dispose of the second appeal in terms of the compromise, and that the parties have agreed to withdraw the suit against the 3rd defendant Society and that while disposing of the appeal in terms of the compromise, the suit may be dismissed against the 3rd defendant as withdrawn.

3. The plaintiff and the defendants 1 and 2 are present and they are identified by their respective counsel. The

parties also 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 the 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, the compromise can be recorded.

4. Accordingly, S.A.M.P.No.1986 of 2015 is ordered and the Second Appeal is disposed of in terms of the compromise entered into between the plaintiff and the defendants 1 and 2. However, the suit, in so far as the 3rd defendant is concerned, is dismissed as withdrawn as per the terms of the compromise. 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

13th October, 2015
cbs

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