

THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

CCCA MP No.469 of 2015 in CCCA No.21 of 2014

and

CCCA No.21 of 2014

Common Order:

Appellant/second defendant—M.Sobhana and her counsel Sri Y.Srinivasa Murthy are present. First respondent/plaintiff—Smt. Saneboina Padma and her counsel Sri T.Rajanikanth Reddy are present. Second respondent/first defendant—P.Pandu and his counsel Sri Y.Srinivasa Murthy are present. Third respondent—Mohd. Mohsin Khan and his counsel Sri M.Dhananjay Reddy are present and they are identified by their respective counsel.

2) Originally, the plaintiff/first respondent filed O.S.No.464 of 2007 on the file of III Senior Civil Judge, City Civil Court, Secunderabad against 2nd respondent and appellant (as defendants 1 and 2) for specific performance of suit agreement to sell and the said suit was decreed with a direction to first defendant to execute the sale deed in favour of plaintiff. Aggrieved, the second defendant filed the instant appeal.

3) Pending appeal, third respondent is added as party to the appeal and the parties filed a compromise petition before this Court submitting that the plaintiff and defendants 1 and 2 agreed to execute a registered sale deed in favour of third respondent for Rs.30 lakhs and out of the said sale consideration, Rs.6 lakhs was paid to first respondent (plaintiff) through a cheque

bearing No.669661 drawn on State Bank of India, Prakash Nagar Branch, Hyderabad and the third respondent agreed to pay another sum of Rs.6 lakhs to the first respondent (plaintiff) at the time of registration of sale deed. It is further recited in the compromise petition that third respondent paid Rs.18 lakhs cash to the appellant (defendant No.2) in the year 2009 and out of the said 18 lakhs the appellant undertakes to pay Rs.8 lakhs to the 2nd respondent herein. Thus, the plaintiff and defendants 1 and 2 agreed to execute a registered sale deed in respect of plaint schedule property in favour of third respondent and third respondent agreed to bear stamp duty and registration expenses. The parties have admitted the terms of the compromise when questioned.

4) In light of above compromise, the CCCA No.21 of 2014 is dismissed in terms of the aforesaid terms without costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 23.09.2015

Murthy