

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CCCA.No.267 of 1999

JUDGMENT:

O.S.No.687 of 1992 on the file of the IV Senior Civil Judge, City Civil Court, Hyderabad, was filed for recovery of Rs.1,01,424.55 ps with interest at 24% per annum. By the judgment dated 09.12.1999, the said suit was decreed for the said amount with pendente lite interest at 12% per annum and post decree interest at 6% per annum on the principal amount of Rs.69,891.75 ps.

Aggrieved over the aforesaid judgment, the 3rd defendant in the said suit preferred the present appeal.

During pendency of the appeal, the appellant filed CMA.MP.No.2778 of 2000 under Order XXIII Rule 3 C.P.C, with a prayer to record the compromise and dispose of the appeal in terms of the compromise entered into between him and the 1st respondent-plaintiff. By order dated 28.02.2000, CCCAMP.No.2778 of 2000 was ordered and the appeal was disposed of so far as the 1st respondent alone is concerned in terms of the compromise entered into between the appellant and the 1st respondent – plaintiff.

Heard Sri J.Sridhan for Sri D.Madhava Rao, learned counsel for the appellant. No representation for 2nd and

3rd respondents.

Learned counsel for the appellant would submit that since the 2nd and 3rd respondents are only co-defendants and that the appeal was already disposed of insofar as the 1st respondent – plaintiff is concerned in terms of the compromise entered into between the appellant and the 1st respondent – plaintiff, nothing survives in the present appeal for adjudication.

In view of the aforesaid submission, the appeal is dismissed against the 2nd and 3rd respondents. No order as to costs.

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

**JUSTICE A.SHANKAR
NARAYANA**

22.08.2016

v v