

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

CCCA.Nos.26 & 30 of 2016

Date:19.8.2016

CCCA.No.26 of 2016

Between:

Ch.Prakash, S/o Late Narahari
and another.

..... Appellants

And:

Ch. Seshagiri, S/o Late Narahari,
and three others.

....Respondents

Counsel for the appellants: Mr. V.Hari Haran

Counsel for respondent Nos.1 & 2: Mr. P.Suresh

Counsel for respondent Nos.3 & 4: Mr. J.Suresh Babu

AND

CCCA.No.30 of 2016

Between:

Ch.Srinivasulu, S/o Late Narahari
and another.

..... Appellants

And:

Ch. Seshagiri, S/o Late Narahari,
and three others.

....Respondents

Counsel for the appellants: Mr. J.Suresh Babu

Counsel for respondent Nos.1 & 2: Mr. P.Suresh

Counsel for respondent Nos.3 & 4: Mr. V.Hari Haran

The Court made the following:

COMMON JUDGMENT:

At the interlocutory stage, both these appeals are taken up for hearing and disposal with the consent of the learned counsel for the parties.

Defendant Nos.1 and 2 in O.S.No.758 of 2010 on the file of the learned II Additional Chief Judge, City Civil Courts, Hyderabad, filed CCCA.No.30 of 2016. Defendant Nos.3 and 4 in the said suit filed CCCA.No.26 of 2016.

These appeals are filed against the decree which reads as under:

- “1. That the suit filed by the plaintiffs be and the same is hereby decreed.
2. That defendant Nos.1 and 2 are liable to pay to the plaintiff a sum of Rs.34,00,000/- (Rupees Thirty Four lakhs only) with interest at 18% per annum from the date of the suit till today and thereafter @ 6% per annum till payment.
3. That the relief in respect of partition and profits are refused.
4. That both parties shall bear their own costs.”

When these cases came up before this Court on 09.8.2016 and 16.8.2016, all the parties have shown their inclination for an amicable settlement. It has transpired during the hearing that subject to respondent Nos.1 and 2 in both the appeals/plaintiffs executing reconveyance deeds as per Ex.A-16, the appellants will jointly pay the decretal amount of Rs.34 lakhs with interest at 9% per annum, instead of at 18% per annum as per the decree, from the date of the suit till the date of the decree and at

6% per annum thereafter, i.e., from the date of the decree till the date of deposit, the appeals could be disposed of. Accordingly, the cases were adjourned to enable the learned counsel to obtain instructions from their respective parties.

Mr. V.Hari Haran, learned counsel for the appellants in CCCA.No.26 of 2016, and Mr. Jasti Suresh Babu, learned counsel for the appellants in CCCA.No.30 of 2016, agreed to pay the afore-mentioned amounts as per the afore-mentioned terms.

Mr. P.Suresh, learned counsel for respondent Nos.1 and 2 in both the appeals/plaintiffs, submitted that his clients are willing to execute the reconveyance deeds as per Ex.A-16.

All the learned counsel have agreed that within four weeks from today, the appellants will deposit the sum of Rs.34 lakhs before the lower Court and respondent Nos.1 and 2 may withdraw the same after execution of reconveyance deeds as per Ex.A-16.

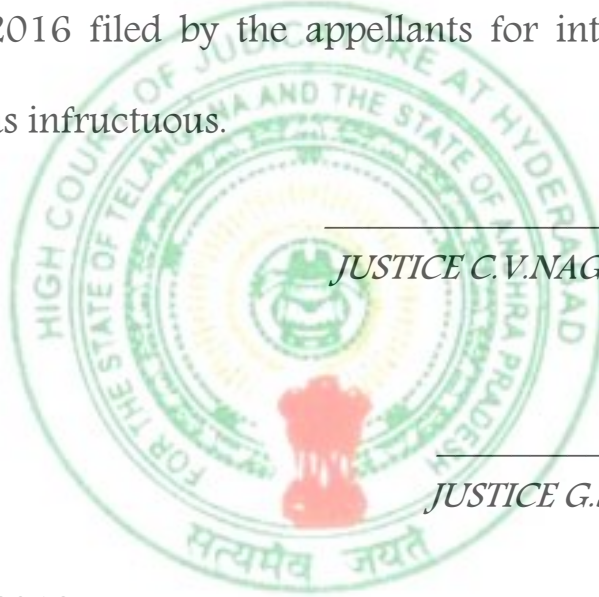
In the light of the above agreement reached between the parties, the decree under appeals is modified in the following terms:

- (1) within four weeks from today, the appellants shall deposit a sum of Rs.34 lakhs to the credit of the suit in the lower Court along with interest at the rate of 9% per annum from the date of the suit till the date of decree and at 6% per annum for the period from the date of decree till the date of deposit;

- (2) Respondent Nos.1 and 2 shall execute the reconveyance deeds as per Ex.A-16 within four weeks of deposit of such amount;
- (3) On execution of such reconveyance deeds, respondent Nos.1 and 2 are entitled to withdraw the amount deposited by the appellants.

Subject to the above, the appeals are disposed of.

As a sequel to disposal of the appeals, CCCAMP.Nos.69 and 85 of 2016 filed by the appellants for interim relief are disposed of as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

19th August 2016

DR