

HON'BLE SRI JUSTICE A.V.SESHA SAI

A.S.M.P.No.1788 of 2016

&

ASNo.741 of 2014

JUDGMENT:

AS MP No.1788 of 2016 is filed under Order 23 Rule 3 read with Section 151 CPC, praying to pass the compromise decree in terms of joint compromise memo dated 08.08.2016 agreed between the appellant/ defendant and respondent/ plaintiff in ASNo.741 of 2014.

2. The appellant/ defendant as well as the respondent/ plaintiff are present before this court. Besides producing their Aadhar cards, the parties are also identified by their respective counsel. The terms of compromise are as follows:

"TERMS OF COMPROMISE –

- (a) The respondent/ plaintiff (B.Dileep Reddy) agreed to receive total an amount of Rs.10,00,000/- (Rupees ten lakhs only) towards full and final settlement in respect of the decree and judgment dated 08.09.2014 made in OS No.551 of 2011 on the file of the Principal Senior Civil Judge, Tirupati, Chittoor District, from the Appellant/ defendant (D.Anil Kumar Reddy). Consequently, on 08.08.2016 respondent/ plaintiff received Rs.10,00,000/- (Rupees ten lakhs only) cash from the appellant/ defendant to that effect receipt dated 08.08.2016 is herewith filing for kind perusal of this Hon'ble Court and same may be part and parcel of this compromise petition.
- (b) The both parties mutually agreed that, the respondent/ plaintiff will not initiate any execution proceedings basing on the judgment and decree dated 08.09.2014 made in O.S.No.551 of 2011 on the file of the Principal Senior Civil Judge, Tirupati, Chittoor District against the respondent;
- (c) Both the appellant/ defendant and respondent/ plaintiff will not file any civil or criminal cases in respect of subject property in OS No.551 of 2011 on the file of the Principal Senior Civil Judge, Tirupati, Chittoor District;

(d) The both parties agreed above terms of compromise on their free will and volition only.”

3. Learned counsel for both parties submits that in view of the terms of compromise, the appeal may be disposed of. They have also brought to the notice of this court that while ordering notice, this court granted stay of all further proceedings in pursuance of the judgment and decree dated 08.09.2014 in OS No.551 of 2011, subject to the appellant depositing to the credit of the suit in the lower court the costs awarded in the decree. It is also submitted by both the counsel that the said costs may be permitted to withdrawn by the appellant.

4. In view of the compromise entered between the parties, AS MP No.1788 of 2016 is allowed. The appeal stands disposed of in terms of the compromise. There shall be decree accordingly. The decree of the lower court stands modified accordingly. The appellant is also permitted to withdraw the costs deposited by him before the lower court pursuant to the interim order dated 20.01.2015 passed in AS MP No.2725 of 2014. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this appeal, shall stand closed.

Date: 26.09.2016  
BSS

A. V. SESA SAI, J

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Date: 26.09.2016

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