

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Transfer Appeal Suit No.567 of 2005

JUDGMENT :

The present Appeal Suit is directed against the judgment and decree dated 06.02.2004, passed in O.S.No.6 of 1999, by the I Senior Civil Judge, City Civil Court, Hyderabad, assailing that portion of the judgment, which stood adverse to his interest.

2. Originally, A.S.No.473 of 2004 was filed before the II Additional Chief Judge, City Civil Court, Hyderabad, challenging the judgment and decree dated 06.02.2004, passed in O.S.No.6 of 1999, by the I Senior Civil Judge, City Civil Court, Hyderabad. Since, defendant Nos.3 and 4 also challenged the very same judgment and decree by way of appeal in CCCA.No.267 of 2004 before this Court, A.S.No.473 of 2004 pending on the file of II Additional Chief Judge, City Civil Court, Hyderabad, was withdrawn from that file and taken up on the file of this Court, which was re-numbered as Tr.A.S.No.567 of 2005, for disposal along with CCCA.No.267 of 2004.

3. Today, CCCA.No.267 of 2004 was dismissed as settled out of the Court, by observing thus:

“Learned counsel for the appellants submitted a letter dated 30.08.2016, to the Registry, stating that the parties have compromised the matter outside the Court and even drawn a Memo of Compromise to that effect on 07.04.2014, duly serving a copy of the same to the other side counsel, and subsequently, the suit

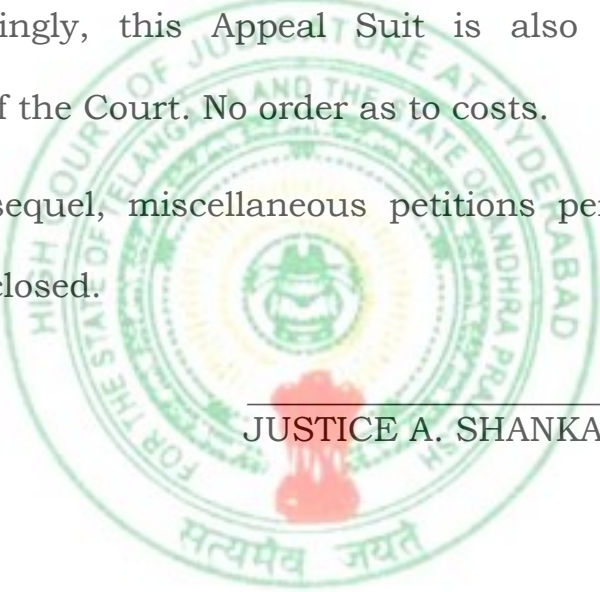
schedule property was jointly sold by all the parties to one Sri Mohammad Azam Ali, vide Document No.2922/2014, dated 27.08.2014 and, therefore, the present appeal has become infructuous and consequently, O.S.No.6 of 1999 on the file of I Senior Civil Judge, City Civil Court, Hyderabad, be dismissed as not pressed, as agreed by the parties.

2. Though, there is no representation for the appellants, when the matter is called, in view of the aforesaid letter, a copy of which was also served on the other side counsel, as per the endorsement on the said letter, the present appeal is dismissed as settled out of the Court.”

4. Therefore, nothing survives for adjudication in the present Appeal Suit filed by the plaintiff.

5. Accordingly, this Appeal Suit is also dismissed as settled out of the Court. No order as to costs.

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



JUSTICE A. SHANKAR NARAYANA

31.08.2016.

Msr

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Transfer Appeal Suit No.567 of 2005



31.08.2016
Msr