

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

AS MP No.95 of 2016

IN/AND

APPEAL SUIT No.289 OF 2014

JUDGMENT:

Learned counsel for the appellant/ first defendant submits that in the suit filed by the plaintiff against the defendants in O.S. No.66 of 2011 for specific performance of contract for sale that was decreed, the first defendant alone maintained the present appeal against the plaintiff and other defendants (respondents 2 to 7/ defendants 2 to 7 shown as not necessary parties to the appeal). He further submits that prior to the filing of the appeal the plaintiff and defendants 2 to 7 settled their claims outside the court. So far as the interest of the first defendant covered by the trial court's decree, impugned in the present appeal.

02. The parties i.e. the plaintiff and the first defendant/ appellant now entered into the compromise. According to their compromise, the appellant/ first defendant agreed to refund the advance sale consideration along with damages, in total Rs.7,00,000/-, to the first respondent/plaintiff. Since the entire amount is stated received by the first respondent/ plaintiff, the full satisfaction is recorded and terms of the compromise filed in A.S.M.P. No.95 of 2016 is part and parcel of this Order.

03. Accordingly, and in the result, AS MP No.95 of 2016 is allowed consequently the appeal is allowed setting aside the decree and judgment dated 11.04.2014 in O.S. No.66 of 2011 on the file of I Additional District Judge, Kurnool. The first respondent/ plaintiff is permitted to withdraw the amount lying in Court deposit by the appellant, by virtue of compromise by filing cheque petition without any permission. No costs.

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

Dr. B. SIVA SANKARA RAO, J

Dt.08.02.2016

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Note: Memo to be appended as part of the Decree.