

THE HON'BLE SRI JUSTICE A.V. SESA SAI

A.S.M.P.No.1779 of 2016
IN/AND
APPEAL SUIT No.170 OF 2005

ORDER:

AS.M.P.No.1779 of 2016, is an application filed under Order 23 Rule 3 of Civil Procedure Code praying to record the compromise as per the terms and conditions enclosed with the memo of compromise. The terms and conditions of the said Memorandum of Compromise read as under:

"It is submitted that, WHEREAS the plaintiff/respondent No.1 herein filed a suit O.s.No.56/1998 on the file of the Sr.Civil Judge at karimnagar for declaration of the title and recovery of the possession in respect of 0.14 guntas of land in survey No.911/C situated at Kattarampur locality (Bhagath Nagar) of Karimnagar revenue village within the boundaries mention in the plaint schedule stating that Sardar Bhagath Singh, the father of the plaintiff in the suit died leaving behind her, the plaintiff and Munna Bhai are the daughters of the Sardar Bhagath Singh and that one of the daughter Munna Bhai died and that the plaintiff in the suit became the absolute owner of the suit schedule property in Survey No.911/C as Legal Heir of Sardar Bhagath Singh under Hindu succession Act. It is submitted that in the said suit the defendants filed a common written statement stating that the father of the defendants i.e., Sardar Chanda Singh was purchased the land in Survey No.911/C to an extent of 0.14 guntas under simple sale deed dated 24.02.1970 from Munna Bhai i.e.,

sister of the plaintiff in the suit. After trail the Hon'ble Sr.Civil Judge Court, Karimnagar decreed the suit in O.S.No.56/1998 by his judgment and decree dated 08.12.2004. It is further submitted that the defendants in the suit preferred an appeal i.e., A.S.No.170/2005 on the file of this Hon'ble Court and the present appeal is pending before this Hon'ble Court adjudication.

It is submitted that pending the present appeal the appellant herein and the plaintiffs/respondents 2 to 4 herein have compromised in respect of the southern portion of the land in survey No.911/C, to an extent of 0.04 guntas, Kattarampur locality, Karimnagar Revenue village, as per the advise of the elders of the both sides and with a view to maintain cordial relationship and to shorten the litigation and to avoid the unnecessary expenses on litigation. It is submitted that the respondents 2 to 4 herein are the legal heirs of the respondent No.1 as per the oral agreement/partition the suit schedule property devolved into 3 shares between the respondents 2 to 4 of the suit scheduled property.

It is submitted that as per the compromise between the appellant and respondents No.2 to 4 herein, the respondents No. 2 to 4 has delivered the possession of their share i.e., 0.04 guntas in survey No.911/C of the southern portion to the appellant herein and in turn the appellant herein paid the entire sale consideration value to the respondents No. 2 to 4 and the plaintiff/respondents No. 2 to 4 acknowledging the same and agreed to execute the sale deed, a sketch map is annexured herewith who are in the possession and enjoyment of their

purchased extent of land respectively and with regard to said compromise between the appellant and respondents No. 2 to 4 herein, the respondents No. 2 to 4 have no objection of the said compromise and it is further submitted that the respondents 3 to 4 herein has given General Power of Attorney in favour of respondent No.2 herein and the said GPA is filed before this Hon'ble Court along with this compromise petitioner.

The parties to bear their respective costs of this appeal.

P R A Y E R :-

The appellant and plaintiff/respondents No. 2 to 4 herein pray that, the Hon'ble Court may be pleased to record the compromise between the appellant and the respondent Nos. 2 to 4 herein and dismiss the appeal in A.S.No.170/2005 in respect of appellant herein in terms of compromise petition."

2. Parties are present before the Court and are identified by their advocates and parties have also produced their respective Aadhar cards in support of their identity. Learned counsel for the respondents 4 to 8 in Appeal, on instructions, expressed no objection for the said compromise.

3. In view of the above, A.S.M.P.No.1779 of 2016 is allowed, recording the compromise as mentioned above.

5. In view of the above compromise, the Appeal Suit No.170 of 2005 is dismissed. Miscellaneous petitions pending

consideration, if any, stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

27.09.2016
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