

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT. JUSTICE ANIS**

**A.S.M.P.NO.2552 OF 2016 IN A.S.NO.567 OF 2014
AND A.S.NO.567 OF 2014**

J U D G M E N T

(Per Hon'ble Sri Justice Sanjay Kumar)

The unsuccessful plaintiffs in O.S.No.3 of 2012 on the file of the learned I Additional District Judge at Khammam filed this appeal aggrieved by the dismissal of the suit under judgment and decree dated 01.09.2014.

By order dated 03.06.2015, this Court directed the appellants to deposit a sum of Rs.6,00,000/- with the Court below and subject to compliance therewith, the respondents were restrained from alienating Plot Nos.32 and 50 or creating any third party rights thereupon pending further orders.

Sri V.Brahmaiah Chowdary, learned counsel, entered appearance for respondent 1, while Sri B.Ramesh, learned counsel, represents respondents 3 and 4, and Sri Repakula Nageswara Rao, learned counsel, appears for respondents 6, 7 and 8.

While so, A.S.M.P.No.2552 of 2016 was filed by the appellants stating that they have compromised the matter with respondent 1 under an undated Joint Compromise Memo signed by the parties and their learned counsel, wherein they recorded that the appellants should be permitted to withdraw the sum of Rs.6,00,000/- which they had deposited before the Court below pursuant to the interim order passed in this appeal and respondent 1/defendant 1 would be at liberty to register the property in favour of any person. Subject to this arrangement, the appellants stated that they do not wish to pursue this litigation against respondent 1. Pertinent to note,

respondents 3, 4 and 6 to 8 are not parties to this Joint Compromise Memo.

Sri C.Raghu, learned counsel for the appellants, however stated that his clients are not desirous of pressing this appeal as against the other respondents as the matter has been settled with respondent 1 and that the appeal can be set at rest.

The matter was moved by way of a Lunch Motion and the parties are present in person before this Court. They also produced their photo identity proofs and are identified by their learned counsel.

In that view of the matter, as the appellants are stated to have settled the matter with respondent 1/defendant 1 in terms of the Joint Compromise Memo, which is made part of the record, the appeal is disposed of in terms thereof in so far as the disputes between the appellants and respondent 1 are concerned. The Joint Compromise Memo shall be binding upon the parties thereto and shall form part of the decree in this appeal. The appeal is however dismissed as not pressed against respondents 3, 4 and 6 to 8. It is also made clear that *inter se* disputes, if any, amongst the respondents have not been examined in this appeal.

A.S.M.P.No.2552 of 2016 is ordered accordingly.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

ANIS, J

30th NOVEMBER, 2016

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