

HON'BLE SRI JUSTICE A.V. SETHA SAI

A.S.M.P.No.1889 of 2016

And

APPEAL SUIT No. 156 OF 2015

COMMON ORDER:

A.S.M.P.No.1889 of 2016 is filed under the provisions of Order 23 Rule 3 read with Section 151 of the Code of Civil Procedure praying this Court to pass a decree in terms of the Memorandum of Compromise, dated 03.03.2016.

Appellants and respondent Nos.1 and 2 are present before this Court and are identified by their advocates. They also produced their identity cards. The memo of compromise enclosed to the present application is taken on record and the same reads as under:

“Memorandum of Compromise

I, Yarlagadda Lalitha Kumari, W/o. Chandra Sekhar Rao, aged 58 years, R/o. Punadipadu Village, Kankipadu Mandal, Krishna District, now having temporarily come down to Hyderabad, do hereby solemnly affirm and state on oath as follows:

1. I submit that I am the 1st petitioner/appellant herein and also the legal heir of late Yarlagadda Chandra Sekhar Rao and as such well acquainted with the facts of the case. I am authorized to depose this affidavit on behalf of the other petitioners herein and able to depose as under:
2. I submit that my late husband Yarlagadda Chandra Sekhar Rao filed the above appeal vide A.S.No.156 of 2015 against the respondents before this Hon'ble Court challenging the order and decree, dated 27.10.2014 passed in O.S.No.431 of 2005 on the file of the I Additional Senior Civil Judge, Vijayawada. The said first appeal is pending before this Hon'ble Court for consideration.
3. I further submit that pendency of the said appeal, my husband died on 28.04.2015 and we are all brought on record as legal heirs of the deceased my husband by this Hon'ble Court on 30.06.2015 and we are contesting the said appeal.
4. I further submit that pendency of the said appeal, we both are came into compromise the matter by entering into a memorandum of compromise, we all are having equal shares of Items A, B and D of schedule properties as per the suit in O.S.No.431 of 2005, Item Nos.I and II of the schedule properties total extent of Ac.4.77 cents in Sy.No.193/1, Ac.1.80 cents and Sy.No.193/2, Ac.0.41 cents in Sy.No.140/2, Ac.2.56 cents, the total Ac.4.77 cents. With regard to item No.C property goes to Yarlagadda Tirumala Rao and the appellants herein only.

A & B Schedule properties:

Item No.1 bequeathed to Yarlagadda Venkateswara Rao, who is the respondent No.3 in the appeal A.S.No.156 of 2015.

East	:	Boundary land of Yarlagadda Lalitha Kumari
West	:	Land of Kosmo City Venture
South	:	Land of Kosmo City Venture
North	:	Sri Sai Chalapathi Venture Phase 1

in between the above boundaries the property of an extent of Ac.1.19 ¼ cents or 0.48 hectors of magani land.

Item No.2 bequeathed to Yarlagadda Tirumala Rao, who is the respondent No.2 in the appeal A.S.No.156 of 2015.

East	:	Sri Sai Chalapathi Venture Phase 2
West	:	Land of Medasani Yasodha
South	:	Land of Musiboyina Mastan
North	:	Land of Musiboyina Mastan

in between the above boundaries the property of an extent of Ac.1.19 ¼ cents or 0.48 hectors of magani land.

Item No.3 bequeathed to Yarlagadda Lalitha Kumari, Yarlagadda Renuka Prasad and Gutta Sireesha, who are the appellants in the appeal A.S.No.156 of 2015.

East	:	Land of Medasani Yasodha
West	:	Land of Yarlagadda Venkateswara Rao
South	:	Land of Kosmo City Venture
North	:	Land of Sai Chalapathi Venture Phase 1

in between the above boundaries the property of an extent of Ac.1.19 ¼ cents or 0.48 hectors of magani land.

Item No.4 bequeathed to Medasani Yasoda Devi, who is the respondent No.1 in the appeal A.S.No.156 of 2015.

East	:	Land of Yarlagadda Tirumala Rao
West	:	Land of Yarlagadda Lalitha Kumari
South	:	Land of Masiboyina Mastan Rao
North	:	Land of Yarlagadda Lalitha Kumari

in between the above boundaries the property of an extent of Ac.1.19 ¼ cents or 0.48 hectors of magani land.

Item No.D Schedule property.

Schedule B property goes to all the parties in equal and the property of an extent of Ac.20.00 cents in Sy.Nos.31/16, 31/54 situated at Payakariyanam Bailu Village Panchayat, Palvoncha Mandalam, Kothagudem Sub-Registrar limits, Khammam District, Telangana State.

Schedule C property:

Schedule C property goes to 1/2 share to Tirumala Rao who is the 2nd respondent and 1/2 share of Yarlagadda Lalitha Kumari, Renuka Prasad and Gutta Sireesha, the property of an extent of Ac.0.10 cents in Sy.No.362/1 of Punadipadu Village, Kankipadu Mandalam, Kankipadu Sub-Registrar, Krishna District.

Item No.1: bequeathed to Yarlagadda Tirumala Rao, who is the 2nd respondent in the appeal.

East : Land of Vadde Bosu
 West : Land of Yarlagadda Lalitha Kumari and others
 South : Kolavennu Road
 North : Land of Yarlagadda Lalitha Kumari and others

Item No.2: bequeathed to Yarlagadda Lalitha Kumari and others, who are the appellants in the appeal.

East : Land of Yarlagadda Tirumala Rao
 West : Kankipadu and Gannavaram Road
 South : Kolavennu Road
 North : Land of Yarlagadda Lalitha Kumari and others

in the above boundaries at tiled house is lying.

This Memorandum of Understanding is executed in our free will and consent and there is no any force of influence thereon.

It is therefore prayed that this Hon'ble Court may be pleased to pass a decree in terms of compromise entered between the parties under "Memorandum of Compromise" dated 03.03.2016 in the above said appeal A.S.No.156 of 2015 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

In view of the above memorandum of compromise, the decree stands modified in accordance with the above conditions of the compromise.

A.S.M.P.No.1889 of 2016 is accordingly allowed and consequently, A.S.No.156 of 2015 is dismissed as withdrawn in terms of the compromise.

Miscellaneous petitions, if any, shall stand closed. No order as to costs.

A.V. SESA SAI, J

Date: 21.09.2016
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