

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

A.S.M.P. No.3202 of 2017
IN/AND
APPEAL SUIT No.407 of 2017

JUDGMENT:

The appeal is filed by the defendant, under Section 96 read with Order XLI Rule 1 of CPC, assailing the decree and judgment dated 04.11.2015 in Original Suit No.132 of 2012 on the file of the Court of IV Additional District & Sessions Judge (Fast Track Court), Anantapuramu.

2. ASMP No.3202 of 2017 is filed by the appellant-defendnt, under Order XXIII Rule 3 read with Section 151 of CPC, to permit the appellant and respondent to enter into compromise, consequently set aside the decree and judgment dated 04.11.2015 in O.S. No.132 of 2012.

3. The appellant and the respondent are present before the Court. Sri N.Aswartha Narayana, learned counsel identified the appellant. Sri Kothapally Ram Mohan Chowdary, learned counsel identified the respondent.

4. The appellant and the respondent submitted that they have entered into compromise to put an end to the litigation. This Court explained the terms of compromise to the appellant and the respondent, who in turn submitted that the terms are true and correct. The respondent-plaintiff in the open court submitted that he has no objection to set aside the decree and judgment dated 04.11.2015 in O.S. No.132 of 2012 on the file of the Court of IV Additional District Judge, Ananthapuramu.

5. The learned counsel for both the parties submitted that the appellant deposited half of the decretal amount along with costs, in compliance of the order of this Court dated 30.6.2017 in ASMP No.993 of 2017. The learned counsel submitted that the appellant may be permitted to withdraw the said amount.

6. In the result, ASMP No.3202 of 2017 is allowed. Consequently, the appeal is allowed, setting aside the decree and judgment dated 04.11.2015 in O.S. No.132 of 2012 on the file of the Court of IV Additional District Judge, Ananthapuramu. The appellant is permitted to withdraw the amount deposited by him in O.S. No.132 of 2012, in pursuance of the order dated 30.6.2017 in ASMP No.993 of 2017, without furnishing any security. Miscellaneous petitions, if any, pending in this appeal shall stand closed.

December 15, 2017.
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T.SUNIL CHOWDARY, J

