

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

C.C.C.A. M.P. No.453 OF 2017

IN/AND

C.C.C.A. No.191 OF 2009

COMMON JUDGMENT:

The present City Civil Court Appeal is preferred against the Common judgment and decree, dated 14.10.2009, in O.S. No.21 of 2006 and O.S. No.114 of 2006 on the file of I-Additional Chief Judge, City Civil Court, Secunderabad, whereby and whereunder while dismissing O.S. No.114 of 2006 a preliminary decree was passed in O.S. No.21 of 2006.

2. C.C.C.A. M.P. No.453 of 2017 is filed by the petitioners/appellants, under Order XXIII Rule 3 read with Section 151 of the Civil Procedure Code along with affidavit, Joint Memorandum of Compromise annexed with Schedule of Properties, signed and affirmed by both parties. They request to record the compromise stating that as per the advice and mediation through elders and well wishers of the family, they settled the matter amicably between them, outside the Court.

3. Appellant Nos.1 to 3, and the respondents 1, 2, 11 and 12 are present, and they are identified by their respective counsel, Sri Sivalenka Ramachandra Prasad and Mrs. Aarifa Imran Khan. The parties have also attested on the case bundle. Amongst respondents, the respondent Nos.3 to 10 are the tenants of the flats and the present

appeal is not pressed against them, and, therefore, so far as respondents 3 to 10 are concerned, the present appeal stands dismissed. Even in the cause title, an endorsement is made that the respondents 3 to 10 are not necessary parties. Respondent Nos.1 and 2 are the sons of the appellants 1 and 2. Respondent Nos.11 and 12 and appellant No.3 are the daughters of the appellants 1 and 2.

4. The other appeal in C.C.C.A. No.192 of 2009 is preferred by the appellant No.1 herein. Therefore, having settled the disputes *inter se* concerning the subject-matter in both the suits, they have entered into compromise and filed joint Memorandum of Compromise along with C.C.C.A. M.P. No.453 of 2017 under Order 23 Rule 3 read with Section 151 of the Civil Procedure Code (for short, 'the Code'). The parties effected compromise as per the terms and conditions mentioned in C.C.A.M.P. No.453 of 2017. Besides writing terms and conditions agreed upon by the parties, schedule of properties is also annexed thereto showing Flat Numbers allotted to each of them which are Item Nos.1 to 9 with a rider thereto in the form of "Note".

5. Since the parties to the present petition who are the parties to the suits referred to above, affirmed the terms and conditions mentioned herein, satisfied with the adjustment made by them against themselves as per the terms and conditions mentioned in the Memo as well as the properties allotted to each of them as mentioned in the schedule of properties, the compromise is recorded ordering the petition.

6. Since CCCA M.P.No.453 of 2017 is allowed recording the terms and conditions of compromise, the present Appeal is allowed. Joint Memorandum of Compromise along with schedule of properties shall form part of the decree.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the City Civil Court Appeal shall stand closed.

A. SHANKAR NARAYANA, J

Dt. 30.08.2017
gbs

