

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

S.A.M.P. No.1154 OF 2017
IN/AND
SECOND APPEAL No.1245 OF 2012

COMMON JUDGMENT:

This Second Appeal is preferred against the judgment and decree, dated 6.6.2012, in A.S. No.6 of 2008 on the file of Senior Civil Judge, Peddapalli, reversing the judgment and decree dated 31.07.2008 in O.S. No.18 of 2005 on the file of Junior Civil Judge at Sultanabad.

2. S.A.M.P. No.1154 of 2017 is filed by the appellant – defendant, under Order XXIII Rule 3 of Civil Procedure Code along with his affidavit, Memorandum of Compromise, dated 21.06.2017, signed and affirmed by both parties. They request to record the compromise stating that with the intervention of the elders, they settled the matter amicably between them, outside the Court.

3. The appellant-defendant, Aluru Srinivasa Rao, and the respondent-plaintiff, Kolluri Odelu, are present, and they are identified by their respective counsel, Sri Vemuganti Ramchandar Rao and Sri V. Sambasiva Rao. The parties have also attested on the case bundle.

4. On being questioned, the appellant and the respondent report that they have compromised the matter outside the Court at the intervention of the elders and to that effect they have also filed

Memorandum of Compromise, dated 21.06.2017, entered into by them.

5. Since both parties have affirmed the terms of the Memorandum of Compromise, dated 21.06.2017, and having satisfied as to the terms mentioned by them in paragraph Nos.5 and 6 of the aforesaid Memorandum of Compromise, S.A.M.P. No.1154 of 2017 is allowed recording the compromise.

6. Consequently, the present Second Appeal is disposed of in terms of the Memorandum of Compromise, dated 21.06.2017, entered into by the parties, which shall also form part of the record.

7. In view of the above, the amount deposited to the credit of O.S. No.18 of 2005 pursuant to the interim orders passed by this Court in S.A.M.P. No.2991 of 2012, dated 1.3.2013 and S.A.M.P. No.1023 of 2013, dated 29.04.2013, is permitted to be withdrawn by the defendant-appellant, Aluru Srinivasa Rao. No order as to costs.

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

Dt. 21.06.2017
gbs

A. SHANKAR NARAYANA, J