

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

A.S.M.P.No.3147 of 2017

and

A.S.No.204 of 2005

COMMON ORDER:

The respondent-plaintiff filed O.S.No.28 of 1999 against the appellants-defendants in the Court of the Additional Senior Civil Judge (Fast Track Court) Anakapalle, for specific performance of agreement of sale, dated 26.02.1998. After contest by the parties, the trial Court decreed the suit on 31.12.2004.

The appellants filed A.S.M.P.No.3147 of 2017 with a prayer to dispose of the appeal by recording compromise in terms of the compromise memo.

Both the parties are present. All of them asserted that compromise has been effected and a memo to that effect was drafted on their instructions and having fully understood the terms of the compromise, they have put their signatures in the presence of their respective counsel.

Therefore, A.S.M.P.No.3147 of 2017 is allowed and there shall be a decree in terms of the compromise memo. The appeal shall stand allowed in terms thereof.

Consequently, miscellaneous applications, if any shall stand closed.

CHALLA KODANDA RAM, J

Dt:13.12.2017

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THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

CCCA MP No.623 of 2017
in/and
CCCA No.220 of 2002
and
CCCA No.98 of 2002

COMMON ORDER:

All the parties to the compromise are present in the Court and produced their respective identity proofs. They were all identified personally by the learned counsel appearing for them. All of them agreed that out of their own free will and volition, they have entered into the compromise and that the terms of the compromise were entered into after a thorough understanding of the terms. They vouched for the contents of the compromise.

Hence, the compromise is recorded as per the terms of the memo except for the fact that in view of the compromise, the registered Will *vide* document No.5/82, dated 25.02.1982, is held to be not binding on the parties and the parties agree that the bequests in the Will are not binding on them. Hence, the Will is

declared to be not applicable and inoperative as far as the bequests therein are concerned.

The compromise is recorded in the presence of all the parties and the Registry is directed to include the memo of compromise as a part of the order that is passed by this Court.

Hence, CCCA MP No.623 of 2017 is ordered and the appeals are closed as compromised. The memo of compromise shall form a part and parcel of the order and the parties are at liberty to approach the Sub-Registrar's Office in case any of the terms of the compromise require registration. The copy of the order passed along with the terms of the compromise should be forwarded to the Sub-Registrar's Office concerned for doing needful.

Miscellaneous petitions, if any, pending in these appeals shall stand closed. There shall be no order as to costs.

D.V.S.S.SOMAYAJULU,J

Dt:13.11.2017

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