

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

A.S.M.P. No.1730 OF 2017
IN/AND
APPEAL SUIT No.365 OF 2011

COMMON JUDGMENT:

The present A.S.M.P. No.1730 of 2017 is filed by the petitioners - appellants under Order XXIII, Rule 3 read with Section 151 of the Code of Civil Procedure, 1908, seeking to record the compromise entered into between the parties.

2. The main appeal is preferred by the petitioners - appellants, who are defendant Nos.4, 5, 7 and 9 in O.S. No.583 of 1996, on the file of VIII Additional Senior Civil Judge, Ranga Reddy District at L.B. Nagar, challenging the judgment and decree, dated 25.10.2010 passed by the trial Court.

3. Along with the aforesaid petition, a joint compromise memo is filed by the surviving parties i.e., appellants and respondents.

4. Today, appellant Nos.1 and 2 are present, but appellant Nos.3 and 4 are not present. Learned counsel would submit that due to some other work they could not be present today. They are represented by their counsel Sri M.V. Durga Prasad. In fact, the properties are released in favour of appellant Nos.1 to 4 and respondent Nos.6 and 31 to 38 by receiving amounts under different cheques by four branches representing other respondents.

5. Respondent Nos.1, 12, 19, 24 and 31, who are plaintiff No.1 and defendant Nos.15, 22, 27 and 34, respectively, in the aforesaid suit, are present along with their respective counsel, and they are identified by their respective counsel i.e., Sri Resu Mahender Reddy, Sri K. Ravinder Reddy, Sri J. Pradeep Kiran, Sri C. Subodh and Sri R.P. Raju, respectively. Photostat copies of their Aadhar Cards have also been submitted in proof of their identity.

6. Respondent No.1 also on behalf of respondent Nos.7 and 8 as their General Power of Attorney Holder; while respondent No.12 also on behalf of respondent Nos.10, 11, 13 and 14 as their General Power of Attorney Holder; respondent No.19 also on behalf of respondent Nos.16, 18, 20 to 22 and 39 to 42 as their General Power of Attorney Holder; respondent No.24 also on behalf of respondent Nos.23 and 25 to 29 as their General Power of Attorney Holder; and respondent No.31 also on behalf of respondent Nos.6 and 32 to 38 as their General Power of Attorney Holder, are present. They have filed the General Power of Attorneys duly signed by the respective parties.

7. So far as deceased respondents are concerned, this Court has already allowed the petition filed in A.S.M.P. No.1607 of 2017 on 26.07.2017 to bring the legal representatives of deceased respondent No.17 and, accordingly, the legal representatives of the deceased respondent No.17 were brought on record as respondent Nos.39 to 42. The learned counsel for the appellants also filed memos viz., Memo in USR No.1771 of 2017 to the effect that the legal representatives of

deceased respondent No.9 are already on record as respondent Nos.10 to 14; Memo in USR No.1769 of 2017 is to the effect that the legal representatives of deceased respondent No.15 are already on record as respondent Nos.16 to 22, and Memo in USR No.1770 of 2017 is to the effect that the legal representatives of the deceased respondent No.30 are already on record as respondent Nos.31, 32 and 38.

8. On being asked, respondent No.1, who is plaintiff in the aforesaid suit, stated that he received a cheque bearing No.361123 dated 31.07.2017 of Andhra Bank, Khairatabad Branch, Hyderabad, for Rs.10,00,000/- (Rupees ten lakhs) on his behalf and on behalf of respondent Nos.7 and 8 as their GPA Holder; respondent No.12, who is defendant No.15 in the aforesaid suit, stated that he received a cheque bearing No.582984 of Andhra Bank, Manikonda Branch, for Rs.7,00,000/- (Rupees seven lakhs) on his behalf and on behalf of respondent Nos.10, 11, 13 and 14 as their GPA Holder; respondent No.19, who is defendant No.22 in the aforesaid suit, received a cheque bearing No.582985 of Andhra Bank, Manikonda Branch, for Rs.2,00,000/- (Rupees two lakhs) on his behalf and on behalf of respondent Nos.16, 18, 20 to 22 and 39 to 42 as their GPA Holder; and respondent No.24, who is defendant No.27 in the aforesaid suit, stated that he received a cheque bearing No.582986 of Andhra Bank, Manikonda Branch for Rs.1,00,000/- (Rupees one lakh) on his behalf and on behalf of respondent Nos.23 and 25 to 29 as their GPA Holder.

They have also stated that they have released all their rights in favour of the appellants and respondent Nos.6 and 31 to 38, who are defendant Nos.8 and 34 to 41 respectively, in the aforesaid suit, and expressed that they have entered into compromise as per the terms mentioned in the joint memo of compromise filed and affirmed the contents thereof.

9. Since both parties have affirmed the contents of the joint memo of compromise filed along with the aforesaid petition, having satisfied with regard to the adjustment aforementioned, A.S.M.P. No.1730 of 2017 is allowed recording the compromise in terms of the joint memo of compromise thereof, so far as it relates to the parties to the present appeal suit.

10. In view of the compromise recorded in A.S.M.P. No.1730 of 2017, the Appeal Suit stands allowed, and the joint memo of compromise shall form part of the decree. In the circumstances of the case, both the parties are directed to bear their own costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Appeal stand closed.

A. SHANKAR NARAYANA, J

July 31, 2017.
Mgr