

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

A.S. M.P. No.1825 OF 2017

IN/AND

APPEAL SUIT No.500 OF 2015

COMMON JUDGMENT:

The petitioners in A.S.M.P. No.1825 of 2017 are respondent Nos.4 to 7 in the appeal, as they were brought on record as legal representatives of the deceased respondent No.2.

2. Earlier, through A.S.M.P. No.751 of 2015, filed under Order XXIII Rule - 3 of the Code of Civil Procedure, 1908, compromise was recorded between the appellants and respondent Nos.1 and 3 in the present appeal, on 22.06.2015.

3. Having recorded compromise, the present appeal was directed to be listed on 01.08.2015, and thereafter, A.S.M.P. Nos.1822, 1823, and 1824 of 2017 were filed under Section 5 of Limitation Act, 1963, requesting to condone the delay that occasioned in filing application for setting aside abatement, to set aside the order of abatement in filing the petition under Order - XXII Rule - 4 read with Section 151 of CPC, and to bring the legal representatives of the deceased respondent No.2 on record, respectively, and, all those three petitions were allowed on 08.09.2017 and the legal representatives of deceased respondent No.2 are brought on record as respondent Nos.4 to 7 in the appeal.

4. Now, the compromise petition in ASMP No.1825 of 2017, which is signed by both parties and their respective counsel, is filed requesting to record compromise between respondent Nos.4 to 7, who are legal representatives of deceased respondent No.2, and the appellants.

5. The appellants, Machannagari Chandra Reddy and Machannagari Narsi Reddy, and respondent Nos.4 to 7, Komatireddy Raja Mani, Komatireddy Mahender Reddy, Atla Madhavi and Moora Mamatha, and their respective counsel Sri K. Jagadishwar Reddy and Sri K. Ramakrishna, are present, and the parties are identified by their respective counsel, and the parties affirming the contents of the compromise signed on the case bundle also. The parties have also produced electoral cards, driving licence, ration card and aadhar cards, in proof of their identity.

6. On being asked, respondent Nos.4 to 7 affirmed the contents in paragraph No.6 of the compromise petition stating that towards their share Ac.1.02½ guntas of land is allotted as per the mediation done by the elders and accordingly requested to record the compromise.

7. Having satisfied with the terms and conditions mentioned in the compromise petition between the parties as to the adjustment, compromise is recorded so far as it relates to the parties to the appeal

suit are concerned, and, accordingly, A.S.M.P. No.1825 of 2017 is allowed.

8. Since compromise was recorded by this Court so far as appellants and respondent Nos.1 and 3 are concerned on 22.06.2015 in ASMP No.751 of 2015, as mentioned above, the present appeal is allowed in terms of the compromise recorded in ASMP No.1825 of 2017 and the same shall form part of the record.

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

September 15, 2017.
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A. SHANKAR NARAYANA, J

