

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

A.S.M.P. No. 3160 of 2017

And

A.S.No. 1211 OF 2002

COMMON JUDGMENT:

This Appeal is preferred by the appellants against the order dated 03.04.2002, in O.S.No.7 of 2000, passed by the learned Senior Civil Judge, Nandigama.

The brief facts are that, the appellants herein are the defendants in O.S.No. 7 of 2000, filed by the respondents herein seeking declaration that defendant No.1 is having only a limited ownership and right during her lifetime regarding the properties mentioned in plaint schedule and for mandatory injunction against the defendants restraining them from making any transfers, bequeaths assignments, lease or other transfers beyond the life of 1st defendant and for an injunction against defendant No.1 to cancel all transfers and other bequeaths of any kind so far made which will extend beyond the life of defendant No.1.

When the matter was listed for hearing on 09.12.2017, considering the close relationship between the parties, this Court suggested, if possible, to workout the amicable settlement between the parties, as it would be desirable in the interest of all the parties concerned.

Thereafter, both the parties had held mutual discussions and when the matter is listed today, they have come up with A.S.M.P. No.3160 of 2017 filed under Order 22 Rule 3 of Civil Procedure Code, reporting that the appellants and the respondents have compromised and the terms of compromise have been reduced into writing and they

prayed this Court to pass a judgment and decree in terms of the said compromise.

Both the appellants as well as the respondents are present and a specific query has been posed to the appellants, whether they have entered into compromise and appended their signatures to the compromise terms, as filed into the Court, or not, for which the appellants have categorically asserted that they have entered into a compromise on their free will and they appended their signatures to the compromise memo. Likewise, the respondents are also queried and they also confirmed to the same effect.

In those circumstances, the Appeal is allowed and the judgment of the trial Court in O.S.No.7 of 2000, dated 03.04.2002, is set aside and there shall be a judgment and decree in terms of the Compromise Memo filed through A.S.M.P. No.3160 of 2017.

Accordingly, A.S.M.P.No.3160 of 2017 is also allowed. Office is directed to draft a decree as per the terms set out therein. Office is directed to draft a decree in terms of the compromise terms, as filed through A.S.M.P. No.3160 of 2017.

In view of the matter having been compromised, there shall be no order as to costs.

Miscellaneous Petitions, pending if any, in this Appeal shall stand closed.

CHALLA KODANDA RAM, J

Dated:12.12.2017.

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