

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

AS.CMP.No.2385 of 2017

In/and

AS.No. 1394 of 2002

JUDGMENT:

The appellants in this appeal filed AS.CMP.No.2385 of 2017 to record the compromise in the appeal and pass suitable orders thereon.

This appeal under Section 96 CPC arises out of the decree and judgment passed by the learned Senior Civil Judge, Atmakur, in O.S.No.11 of 1996 dated 31.01.2001.

While so, it appears that the parties to the appeal have now settled the matter out of Court and reduced the terms of their settlement through a written Memorandum of Compromise dated 18.09.2017 which was filed on 19.09.2016 along with ASCMP.No.2385 of 2017. The same is placed before this Court. The parties on enquiry have stated that they have voluntarily and willingly executed the compromise after being fully aware of the terms and conditions of the compromise.

Learned counsel for both the parties personally identified their respective clients who also produced their photo identity proof.

In the light of the afore-stated developments, ASCMP.No.2385 of 2017 is ordered and the Appeal is disposed of in terms of the Compromise Memo filed along with ASCMP.No.2385 of 2017. The compromise memo is made part of

the judgment and shall be incorporated in the decree in this appeal.

Learned counsel for both parties state that by over sight the word “legal” has not been mentioned before “expenditure” in the preamble and in the clause 3 of the order. Therefore, this compromise is recorded with the amendment that the word “expenditure” shall be preceded by the word “legal” and shall be read as “legal expenditure”.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date: 05.12.2017
KLP

D.V.S.S. SOMAYAJULU, J

