

**HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA**

**S.A.M.P. No.1402 OF 2017**

**IN/AND**

**SECOND APPEAL No.1139 OF 2012**

**COMMON JUDGMENT:**

Plaintiff succeeded through out. The appellant - defendant No.2 viz., Karnati venkateswara Rao, who has purchased the shares of other brothers, aggrieved over the concurrent judgments rendered by the Courts below i.e., judgment and decree, dated 08.08.2012, in A.S. No.43 of 2010 passed by the learned Senior Civil Judge, Mangalagiri, and the judgment and decree dated 11.11.2010 in O.S. No.168 of 2006 passed by the learned Principal Junior Civil Judge, Mangalagiri, preferred the present Second Appeal against respondent Nos.1 and 2, who are plaintiff and defendant No.1 viz., Karnati Sambasiva Rao and Karnati Venkata Rao, respectively.

2. S.A.M.P. No.1402 of 2017 is filed by the appellant, under Order - XXIII Rule 3 of the Code of Civil Procedure, 1908, along with his affidavit dated 11.07.2017 and also the Memorandum of Compromise, dated 11.07.2017, signed and affirmed by both parties, and also their counsel, stating that the plaintiff, having received Rs.2,00,000/- (Rupees two lakhs only) from the appellant, has given up his claim over the subject property that being Ac.0-40 cents of land, and, thus, request to record the compromise as per the terms contained in the Memorandum of Compromise referred above,

stating that with the intervention of the elders, they settled the matter amicably between them, outside the Court.

3. The appellant and respondent Nos.1 and 2 are present, and they are identified by their respective counsel, Sri G. Pedda Babu, for the appellant, Sri Mohd. Naymathullah for respondent No.1 and Sri Ramachandra Rao Gurram for respondent No.2.

4. On being questioned, the appellant and the respondents report that they have compromised the matter outside the Court at the intervention of the elders and they are aware of the terms incorporated in the Memorandum of Compromise, referred to above, entered into between them, and request to record the compromise. The parties have also attested on the case bundle to the effect of compromise referred to above.

6. Since both the parties have affirmed the terms of the Memorandum of Compromise dated 11.07.2017 and having satisfied as to the terms mentioned therein, in terms thereof, S.A.M.P. No.1402 of 2017 is allowed recording the compromise between the parties.

7. Consequently, the present Second Appeal is allowed. As a sequel thereto, the judgment and decree in A.S. No.43 of 2010 dated 08.08.2012 passed by the learned Senior Civil Judge, Mangalagiri, and also the judgment and decree in O.S. No.168 of 2006 dated 11.11.2010 passed by the learned Junior Civil Judge, Mangalagiri, are hereby dismissed. The Memorandum of Compromise, dated

11.07.2017, entered into between the parties, shall form part of the record.

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

**July 11, 2017.**

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**A. SHANKAR NARAYANA**

