

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

SAMP.No.1553 of 2017
IN/AND
SECOND APPEAL No.1189 of 2012

COMMON ORDER:

The present petition is laid under Order XXIII Rule 3 of the Code of Civil Procedure, by the petitioners-appellants and the respondent-requesting the Court to record compromise as per the terms mentioned in the Memorandum of Compromise appended to the affidavit filed in support of the petition.

One T.S.Kumar (deceased) was working as the Assistant Executive Engineer in Roads and Buildings Department of the State Government. On his demise on 23.11.2007 while in service, his death benefits were sought to be drawn by both parties laying rival claims. That is how they were dragged to the civil court. The petitioners herein filed O.P.No.49 of 2008 on the file of the Principal Senior Civil Judge, Anantapur, seeking exclusive succession certificate in their favour. The trial Court, having found that the respondent is also one of the legal heirs of the deceased T.S.Kumar, dismissed the O.P. by its order dated 15.06.2011. When a regular appeal in A.S.No.68 of 2011 on the file of the District Judge, Anantapur, is filed, while affirming the judgment of the trial Court, the appeal suit was also dismissed on the same grounds.

Sri K.Suresh Reddy, learned counsel for the petitioners-appellants, and Smt. M.Hemalatha, learned counsel for the

respondent, would submit that the parties have entered into compromise as per the terms indicated in Memorandum of Compromise dated 25.07.2017 and make a request to record the compromise.

As per the terms of Memorandum of Compromise, the 1st petitioner-1st appellant is entitled to receive the family pension, whereas the 2nd petitioner-2nd appellant is entitled to claim compassionate appointment and the respondent is entitled to receive death benefits.

Both parties are present and they are identified by their respective counsel. On being questioned, both parties have affirmed the contents mentioned in the affidavit filed in support of the present petition and also the terms of Memorandum of Compromise dated 25.07.2017. Along with the present petition, Memorandum of Compromise dated 25.07.2017 is also filed stating the terms of compromise. They even subscribed their signatures in the petition as well as the Memorandum of Compromise. They have produced Photostat copies of their Aadhaar cards in proof of their identity.

Hence, by recording the terms mentioned in the Memorandum of Compromise, SAMP.No.1553 of 2017 is allowed and the Second Appeal is disposed of in terms of the Memorandum of Compromise. The Memorandum of Compromise dated 25.07.2017 shall form part of the decree.

Miscellaneous applications, if any, pending in the present
Second Appeal, stand closed.

JUSTICE A.SHANKAR NARAYANA

26.07.2017
v v

