

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

I.A.Nos.1 & 2 of 2018

In/And

A.S.No.355 of 2013

COMMON JUDGMENT:

This first appeal suit, under Section 96 read with Order XLI of the Code of Civil Procedure, 1908, is filed by the unsuccessful first defendant assailing the judgment and decree, dated 20.07.2012, of the learned Special Judge for trial of offences under SC/ST (POA) Act-cum-V Additional District and Sessions Judge, Medak at Sangareddy.

2. When the appeal is taken up for hearing, learned counsel for the appellant/1st defendant, learned counsel for the 1st respondent/plaintiff and learned counsel for the 2nd respondent/2nd defendant; and, the appellant/1st defendant ['appellant', for short], 1st respondent/plaintiff ['plaintiff', for short] and the 2nd respondent/2nd defendant ['2nd defendant', for short] are present in the Court.

3. The said learned counsel and the parties present stated that the matter is settled amicably; that pursuant thereto, the appellant, plaintiff and the 2nd defendant entered into a compromise; that the terms of compromise are reduced into writing in the form of a Memorandum of compromise and the same was signed by them and their respective counsel; and, that the said Memorandum is filed along with I.A.No.2 of 2018 requesting to record compromise and dispose of this appeal suit in terms of the compromise insofar as the appellant and the respondents 1 and 2. The appellant also filed I.A.No.1 of 2018 to withdraw the appeal against the 3rd respondent/3rd defendant.

4. The parties present before this Court are identified by their respective counsel. They produced their original Aadhar Cards in proof of their respective identities. Copies of the same are placed on record.

5. The terms of compromise are read over and explained to the parties present before the Court. The plaintiff stated that she paid Rs.4,00,000/- each to the appellant and the 2nd defendant by cheques, dated 30.05.2018, drawn on State Bank of India and admitted the terms of compromise. Appellant/1st defendant and the 2nd defendant stated that they received the said cheques and encashed them and further admitted the terms of compromise.

6. This Court is satisfied that the parties present before the Court have entered into the compromise voluntarily with free will and consent and without any pressure from any quarter. Since the parties present have admitted the terms of compromise, this Court is satisfied that the appeal suit can be disposed of in terms of compromise and as desired by the appellant, plaintiff and the 2nd defendant.

7. Accordingly, I.A.No.2 of 2018 is ordered and the appeal suit is disposed of insofar as the appellant and the respondents 1 and 2 are concerned, in terms of the memorandum of compromise. The memorandum of compromise shall form part of the decree. I.A.No.1 of 2018 is ordered and the appeal suit is dismissed as withdrawn against the 3rd respondent. There shall be no order as to costs.

Pending miscellaneous petitions, if any, pending in the Appeal Suit shall stand closed in the light of this final order.

JUSTICE M. SEETHARAMA MURTI

Date: 06.11.2018
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