

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

I.A.No.1 of 2018
IN/AND
APPEAL SUIT No.2077 of 2001

COMMON ORDER:

The unsuccessful defendant Nos.1, 16 and 17 filed this appeal suit assailing the decree and judgment, dated 26.04.2001, of the learned Senior Civil Judge, Machilipatnam, passed in O.S.No.110 of 1989 (Pauper O.P.No.11 of 1988).

When this appeal is taken up for hearing, learned counsel for the appellants – defendant Nos.1, 16 and 17 ('appellants', for brevity); learned counsel for the 1st respondent – plaintiff ('plaintiff', for brevity); learned counsel for respondent Nos.10, 16, 17 and 18; and, the appellants and the plaintiff, are present in the Court. They stated that the matter is amicably settled between the appellants and the plaintiff and also the respondent Nos.10, 16, 17 and 18; that pursuant thereto, the appellants and the plaintiff entered into compromise; that the terms of compromise are reduced into writing in the form of Memorandum of compromise; and, that the said Memorandum signed by the appellants and the plaintiff is filed along with I.A.No.1 of 2018 requesting this Court to record the compromise and dispose of the appeal suit in terms of the compromise.

The appellants and the plaintiff, who are present before this Court, are duly identified by their respective counsel. They produced

PAN Card/Aadhar Cards in proof of their respective identities. Copies of the same are placed on record.

The terms of compromise are readover and explained to the said parties present before the Court. The parties present admitted the terms of compromise. They unanimously stated that they voluntarily and with free will & consent entered into compromise and signed the Memorandum of Compromise and requested this Court to dispose of the appeal in terms of the memorandum of compromise.

It is pertinent to note that some of the respondents died and legal heirs of some of the deceased respondents are already on record and some of the respondents have not entered appearance.

It is submitted that while disposing of the appeal suit in terms of compromise, the appeal suit insofar as the other respondents, who are alive and who are on record and who are not parties to the memorandum of compromise, may be dismissed as withdrawn, except insofar as the respondents 10, 16, 17 and 18, who are represented by their respective learned counsel.

On examination, this Court is satisfied that the parties present before the Court have entered into compromise voluntarily and with free will & 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 the

memorandum of compromise and as desired by the appellants and the plaintiff.

Accordingly, I.A.No.1 of 2018 is allowed.

In the result, the appeal suit is disposed of in terms of the memorandum of compromise insofar as the appellants, plaintiff and respondents 10, 16, 17 & 18. The memorandum of compromise shall form part of the decree. It is made clear that the other respondents excluding respondent Nos.10, 16, 17 and 18, who are alive and who are on record, but not parties to the memorandum of compromise, shall not be bound by the terms of compromise and the appeal suit against them stands dismissed as withdrawn.

No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M.SEETHARAMA MURTI, J

01.11.2018

v v