

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**I.A.No.1 of 2018**

**In/And**

**A.S.Nos.212 of 2017, 291 of 2017 & 431 of 2017**

**COMMON JUDGMENT:**

At the outset, it is to be noted that by a common judgment, dated 30.12.2016, the learned V Additional District Judge, Tirupati, Chittoor District, disposed of OS.no.15 of 2005 and OS.no.18 of 2009.

**1.1** AS.no.212 of 2017 is filed by the unsuccessful plaintiffs in OS.no.18 of 2009 assailing the decree in the said suit and the common judgment afore-stated insofar as it related to the said suit.

**1.2.** AS.no.431 of 2017 is filed by the unsuccessful 1<sup>st</sup> plaintiff in OS.no.15 of 2005 assailing the decree in the said suit and the common judgment afore-stated insofar as it related to the said suit.

**1.3** AS.no.291 of 2017 is filed by the unsuccessful defendants 1, 2 & 4 in OS.no.15 of 2005 assailing the decree in the said suit and the common judgment afore-stated insofar as it related to the said suit

**2.** When these three appeals are taken up for hearing, it is represented by the parties present and their respective counsel that the parties present have settled the matter amicably and entered into a compromise and that the terms of the compromise are reduced into writing in the form of a Memorandum of Compromise and that the same was signed by the parties present and their respective counsel and that the parties present moved an application in IA.no.1 of 2018 in AS.no.212 of 2017 for recording the compromise. The Memorandum of Compromise has been placed on record.

**3.** The Appellants 1 & 2 in AS.no.212 of 2017, who are also the appellants 1 & 2 in AS.no.291 of 2017, the 3<sup>rd</sup> appellant in AS.no.291 of 2017, who is also the 4<sup>th</sup> respondent in AS.no.431 of 2017 are present and the appellant in AS.no.431 of 2017, who is also 4<sup>th</sup> respondent in AS.no.212 of 2017 and 1<sup>st</sup> respondent in AS.no.291 of 2017, are present. Thus, all the appellants in all the Appeal Suits are present. The 3<sup>rd</sup> respondent in AS.no.212 of 2017, who is also the 2<sup>nd</sup> respondent in AS.no.291 of 2017 and the 5<sup>th</sup> respondent in AS.no.431 of 2017, is also present. All the parties, who are present, are identified by their respective counsel and they produced Aadhar Cards/Voter Identity Cards in proofs of their respective identities and the copies of the same are placed on record. The respondents 1, 2, 5, 6 & 7 in AS.no.212 of 2017 and the 3<sup>rd</sup> respondent in AS.no.431 of 2017 and AS.no.291 of 2017 are not present.

**3.1** It is stated by the parties present and their respective counsel that the three Appeal Suits, in view of the compromise arrived at amongst the parties present, are being not pressed against the above said respondents, who are absent, and hence, their presence is not necessary. It is submitted that while disposing of the three Appeal Suits in terms of the compromise entered into among the parties present, the Appeal Suit AS.no.212 of 2017 has to be dismissed against the respondents 1, 2, 5, 6 & 7 therein and that the other Appeal Suits *viz.*, AS.nos.431 of 2017 & 291 of 2017 have to be dismissed against the 3<sup>rd</sup> respondent.

**4.** The afore-stated parties, who are present, reiterated the terms of the compromise, which are reduced into writing in the Memorandum of Compromise and stated that they have signed the Memorandum of Compromise. The terms of the compromise are read over and explained to the parties present in the presence of their respective learned counsel

and the same are admitted by them. This Court is satisfied that the parties voluntarily and with free will and consent have entered into the compromise.

**5.** In the result, IA.no.1 of 2018 is ordered and all the three Appeal Suits afore-stated are disposed of in terms of the compromise. A copy of the Memorandum of Compromise shall be annexed to the decrees. It is made clear that AS.no.291 of 2017 & AS.No.431 of 2017 are dismissed as not pressed against the 3<sup>rd</sup> respondent. Similarly, AS.no.212 of 2017 is dismissed as not pressed against respondents 1, 2, 5, 6 & 7.

There shall be no order as to costs.

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

---

**JUSTICE M. SEETHARAMA MURTI**

Date: 29<sup>th</sup> October, 2018  
KL



**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**



**I.A.No.1 of 2018**  
**In/And**  
**A.S.Nos.212 of 2017, 291 of 2017 & 431 of 2017**

Date: 29<sup>th</sup> October, 2018

KL