

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

I.A.Nos.2, 3 & 4 of 2018
In/And
APPEAL SUIT No.56 of 2017

COMMON JUDGMENT:

When this Appeal Suit is taken up for hearing, the appellants 2 to 6 and the respondents 3, 4 & 6 to 10 are present. The 1st appellant and the 5th respondent died. All the said parties present before the Court are identified by their respective learned counsel. They produced their respective Identity Cards. The copies of their Identity Cards are placed on record. All the said parties present unanimously stated that they have amicably settled the matter and that the terms of settlement/compromise are reduced into writing in the form of terms of compromise and that the said terms of compromise signed by the respective parties and their learned counsel is filed along with IA.No.2 of 2018 requesting this Court to record the compromise and dispose of the Appeal Suit in terms of the said compromise. They also stated that IA.No.3 of 2018 is filed for permission to the appellants to withdraw the Appeal Suit against the respondents 1 & 2, who are not parties to the compromise. IA.No.4 of 2018 is filed by the appellants requesting to permit the 2nd appellant, who is the mother of the appellants 4 & 5, who are minors, to enter into compromise on their behalf. An affidavit of the learned counsel, Sri *P.Durga Prasad*, appearing for the appellants, is filed stating that in his opinion the compromise is for the benefit of the minors and, therefore, he certifies that the compromise may be recorded.

2. Having regard to the facts and submissions and in view of the affidavit of the learned counsel for the appellants, the 2nd petitioner/2nd appellant is permitted to enter into compromise on behalf of the appellants 4 & 5. IA.No.4 of 2018 is ordered accordingly.

3. When the terms of compromise are read over and explained to the parties present, they admitted the terms of compromise. The appellants 2, 3 & 6 stated that the appellants received Rs.20,00,000/-; that out of it, Rs.10,00,000/- is paid in cash and Rs.10,00,000/- is paid by way of two cheques for Rs.5,00,000/- each, as mentioned in the terms of compromise; that the said cheques are also encashed; that in view of the said payment, they are giving up their rights over the subject property; that they are also admitting the unregistered Sale Deed, dated 18.11.1958, executed by Ramagari Ramchandra Reddy in favour of Beri Balaiah, the predecessors in title of the respondents 3 to 10; that they are relinquishing and giving up their claim and right over Survey No.206, of an extent of Ac.2.19 guntas, situated at Gundla Pochampally Village, Medchal Mandal, in favour of the respondents 3 to 10; and that they are also admitting/ratifying the DGPA Document No.1205 of 2018, dated 25.01.2018, and DGPA Document No.1204, dated 25.01.2018, executed by respondents 3, 4, 6 & 8 and others in respect of lands in Survey Nos.206 & 231 in favour of M/s. Arhan Infra, a partnership firm, represented by its Managing Director Mr. P.Devender Reddy; that they will not claim any rights whatsoever in any manner against the respondents 3 to 10 in respect of the suit schedule property in view of the terms of the compromise; and, that they will not create any hurdles, as stated in the terms of compromise.

4. After hearing the parties present, this Court is satisfied that they entered into the compromise voluntarily with free will and consent and without any pressure from any quarter and that in view of the certification by the learned counsel for the appellants that the compromise is for the benefit of the minors, who are the appellants 4 & 5, IA.No.2 of 2018 is ordered. IA.No.3 of 2018 is also ordered permitting

the appellants to withdraw the Appeal Suit against the respondents 1 & 2.

5. In the result, the Appeal Suit is disposed of in terms of the compromise. The memorandum of compromise shall form part of the decree.

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: 24th December, 2018

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Date: 24th December, 2018

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