

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

I.A.No.2 of 2018

IN/AND

APPEAL SUIT No.641 of 2018

COMMON ORDER:

The unsuccessful claim petitioners filed this appeal suit assailing the order & decretal order, dated 06.03.2018, passed in EA.No.10 of 2014 in EP.No.8 of 2012 in OS.No.317 of 2011 on the file of XIV Additional District Court-cum-Additional Family Court, Krishna, Vijayawada.

When this appeal suit is taken up for hearing, learned counsel for the appellants – claim petitioners ('appellants', for brevity); learned counsel for the 1st respondent – DHr ('DHr', for brevity); learned counsel for the 2nd respondent – JDr ('JDr', for brevity); and, the appellants, the DHr and the JDr are present in the Court. They stated that the matter is amicably settled between the appellants, the DHr and also the JDr; that pursuant thereto, the appellants, the DHr and the JDr entered into a compromise; that the terms of compromise are reduced into writing in the form of Memorandum of compromise; and, that the said Memorandum of compromise signed by the appellants, the DHr & the JDr is filed along with I.A.No.2 of 2018 requesting this Court to record the compromise and dispose of the appeal suit in terms of the compromise.

The parties present before this Court are duly identified by their respective learned counsel. The parties produced 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 parties present before the Court. They admitted the terms of compromise. It is further stated by them that the appellants paid Rs.10,00,000/- to the DHr towards full satisfaction of the decree debt and that the JDr executed a registered sale deed, dated 30.08.2018, in favour of the appellants. As regards the payment of Rs.10,00,000/-, it is stated that Rs.8,00,000/- was already paid and that Rs.2,00,000/- is now being paid before this Court. Accordingly, Rs.2,00,000/- is paid to the DHr. Having received the said amount, the DHr acknowledged the said payment.

All the parties further 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.

On examination, this Court is satisfied that the parties have entered into compromise voluntarily and with free will & consent and without any pressure from any quarter. Since the parties have admitted the terms of compromise, this Court is satisfied that IA.No.2

of 2018 can be allowed recording the compromise and the appeal suit can be disposed of in terms of the memorandum of compromise, as desired by the parties.

Accordingly, I.A.No.2 of 2018 is allowed.

In the result, the appeal suit is disposed of in terms of the memorandum of compromise. The memorandum of compromise shall form part of the decree. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

29.11.2018
Vjl



M.SEETHARAMA MURTI, J