

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

C.M.A.No.995 of 2017

Date: 09.02.2018

Between:

K.Bal Reddy S/o.late K.Janga Reddy,
Age:61 years, Occ: Agriculture,
R/o.H.No.16-2-839/4/1, Saidabad
Hyderabad and another ... Appellants

And

B.Balakishan Rao, S/o.late Babaiah (died)
Aged about 76 years, Occ: Business
and twelve others ... Respondents

Counsel for the Appellants : Mr. N.Indrasena Reddy

Counsel for the Respondents: Mr. K.Jaya Bharath Reddy
for respondents No.2 to 4
and 9 to 13.

Mr.Goli Viplav Reddy
for respondents No.5,7 & 8.

The Court made the following:

Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Civil Miscellaneous Appeal arises out of order dated 03.08.2017 in I.A.No.274 of 2010 in O.S.No.1122 of 2007 on the file of the Principal District Judge, Rangareddy district at L.B. Nagar.

2. Mr.N.Indrasena Reddy, learned counsel for the appellants, addressed letter dated 07.02.2018 to the Registrar (Judicial), wherein it is stated that the appellants and the respondents have settled issues out of court and that the appellants filed Memo. dated 05.02.2018, seeking permission of the Court to withdraw the appeal. Based on this letter, the Registry has posted this case for withdrawal.

3. At the hearing, Mr.K.Jaya Bharath Reddy, learned counsel for the respondents No.2 to 4 and 9 to 13, stated that no such settlement as claimed by the counsel for the appellants in the aforementioned letter, has been arrived at.

4. When the appellants seek to withdraw the appeal, there is no reason for this Court to not permit them to withdraw the same. It is not the case of the learned counsel for the aforementioned respondents that the appellants have derived any undue advantage by filing this appeal. Merely because the counsel for the appellants has claimed in his letter that the dispute has been settled, if they are not really settled, mere dismissal of the C.M.A. as withdrawn, cannot be construed as the dispute being settled.

5. In this view of the matter, we do not find any merit in the objection of the counsel for the aforementioned respondents Mr.K.Jaya Bharath Reddy.

6. The civil miscellaneous appeal is, accordingly, dismissed as with drawn, subject to the above observations.

7. As a sequel to the dismissal of the C.M.A., miscellaneous applications if any, stand dismissed.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Date: 9th February, 2018

msb

