

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

I.A.No.1 of 2018
IN/AND
APPEAL SUIT No.317 of 2015

COMMON ORDER:

Heard the learned counsel for the petitioners – appellants and the learned counsel for the sole respondent - plaintiff.

The petitioners – appellants - defendants, who are the legal representatives of Hazari Dayakar – the deceased defendant No.1 in the original suit, and the sole respondent - plaintiff are present. They are identified by their respective counsel. Their Aadhaar Cards have been verified by the Court Officer.

I.A.No.1 of 2018 is filed under Order XXIII Rule 3 read with Section 151 CPC to allow the petitioners to enter into compromise. Clause (3) of the terms and conditions incorporated in the memorandum of joint compromise filed by both parties, annexed to the compromise petition, would reflect that the sole respondent will not have any claim or right whatsoever over the schedule property in O.S.No.2 of 2011 against the petitioners – appellants, in future.

Learned counsel for the respondent would submit that the respondent has given up his right over the suit schedule property, though, the Court below has decreed the suit for enforcement of the agreement of sale, and the respondent is also now withdrawing the balance sale consideration deposited to the credit of the suit pursuant to the compromise entered into between him and the petitioners at the intervention of the elders by settling the dispute outside Court. The said

condition is also incorporated as clause (5) of the terms and conditions mentioned in the memorandum of joint compromise filed by the parties.

When the parties i.e., the petitioners and the respondent, who are present, are questioned, they affirmed the contents mentioned in the compromise petition as well as the memorandum of joint compromise filed by them.

Therefore, I.A.No.1 of 2018 is ordered recording the compromise as per the terms and conditions incorporated in the memorandum of joint compromise annexed to the compromise petition, so far as the parties to the present application and the appeal suit are concerned.

In view of the compromise recorded in I.A.No.1 of 2018, the Appeal Suit is disposed of in terms of the memorandum of joint compromise entered into between the parties. The memorandum of joint compromise filed by the petitioners and the respondent shall form part of the decree.

Miscellaneous Petitions, if any, pending in the present appeal, stand closed.

A. SHANKAR NARAYANA, J

15.03.2018

v v