

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

A.S.M.P.No.638 of 2013
IN/AND
APPEAL SUIT No.1415 of 1997

COMMON JUDGMENT:

This first appeal, under Section 96 of the Code of Civil Procedure, 1908, by the unsuccessful plaintiff, is directed against the decree and judgment, dated 04.11.1996, of the learned District Judge, Vizianagaram, passed in O.S.No.18 of 1996 (O.S.No.129 of 1987 of Sub-Court, Vizianagaram).

2. At the hearing, learned counsel for the appellant would submit that as between the parties to the Appeal Suit, the matter is settled out of Court and before the Lok Adalat and, hence, the Appeal Suit may be dismissed.

3. A.S.M.P.No.638 of 2013 is filed by a third party under Order I Rule 10 read with Section 151 of the Code of Civil Procedure, 1908, requesting for his impleadment as 10th respondent in the Appeal Suit. There is no representation for the said applicant.

4. In view of the submission of the learned counsel for the appellant that the matter is settled as between the parties to the Appeal Suit out side the Court and before the Lok Adalat, this Court is of the considered view that the Appeal Suit can be dismissed as infructuous while dismissing the application for impleadment, referred to supra, leaving it open to the petitioner-third party to work out his rights, if any, by an independent proceeding, if he so desires and is so advised.

5. In the result, the Appeal Suit is dismissed as settled between the parties to the Appeal Suit out side the Court and before the Lok Adalat and as no cause survives for adjudication in this Appeal Suit, however, leaving it open to the petitioner-third party in A.S.M.P.No.638 of 2013 to work out his rights, if any, independently, if he so desires and is so advised.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

Date: 5th February, 2018

KL



THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI



A.S.M.P.No.638 of 2013
IN/AND
APPEAL SUIT No.1415 of 1997

Date: 5th February, 2018

KL