

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

I.A. No. 1 OF 2018
IN/AND
C.C.C.A. No.92 OF 2008

COMMON JUDGMENT:

The present I.A. No.1 of 2018 is filed by the petitioner - appellant under Order XXIII, Rule 1 of the Code of Civil Procedure, 1908, seeking to record the compromise entered into between the parties, duly signed by both parties.

2. The main appeal is preferred by the petitioner - appellant, who is plaintiff in O.S. No.804 of 2014, on the file of VII Senior Civil Judge, City Civil Court, Hyderabad, challenging the judgment and decree, dated 11.08.2004, passed by the trial Court dismissing the suit filed for recovery of amount.

3. Today, the appellant and respondent No.1 and their counsel, Sri Sharad Sanghi and Sri Dinesh Mundada, respectively, are present. In fact, in the present appeal, the appellant has endorsed that respondent No.2 - Dr. Reddy's Laboratories is not a necessary party to the appeal. The learned counsel for the petitioner also would submit that respondent No.2 remained *ex parte* in the suit before the trial Court.

4. The parties have also produced photostat copies of their respective "Aadhaar Cards" in proof of their identity, and the Court Officer of this Court verified the same with originals as to the identity of the parties.

5. Both the learned counsel would submit that the parties have effected compromise and the terms have been incorporated in the memorandum of compromise annexed to the petition and, therefore, request to record the compromise.

6. The appellant - plaintiff and the respondent No.1 - defendant No.1, when asked, they affirmed the contents mentioned in clauses (1) to (7), and also the struck out a portion in clause (1) of the Memorandum of Compromise, and they too would request to record the compromise.

7. Since both parties have affirmed the contents of the compromise annexed to the petition, I.A. No.1 of 2018 is allowed recording the compromise in terms thereof so far as it relates to the petitioner - appellant and respondent No.1 - defendant No.1.

8. In view of the compromise recorded in I.A. No.1 of 2018, the Appeal Suit is disposed of in accordance with the terms of compromise mentioned in the Memorandum of Compromise. The memorandum of compromise shall form part of the decree. In the circumstances of the case, both the parties are directed to bear their own costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Appeal stand closed.

A. SHANKAR NARAYANA, J

March 07, 2018.
Mgr