

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

* HONOURABLE MS JUSTICE J. UMA DEVI

+ C.C.C.A.NO.74 of 2009

% Date: 17-07-2018

Between:

1. Mr. Raj Kishan Pershad, S/o. Raja Hari Kishan Pershad, 1-35-462/2, BHEL Colony, Rasoolpura, Secunderabad.
2. Mr. Prem Kishan Pershad, S/o. Hari Kishan Pershad, 1-35-462/2, BHEL Colony, Rasoolpura, Secunderabad.
(died per LRs Appellants 3 to 6)
3. Smt. Poonam Pershad Seth, W/o. Late Prem Kishen Pershad, R/o. 1-35-462/2, BHEL Colony, Rasoolpura, Secunderabad.
4. Ms. Premitha Pershad Seth, D/o. Late Prem Kishen Pershad, R/o. 1-35-462/2, BHEL Colony, Rasoolpura, Secunderabad.
5. Ms. Manitha Pershad Seth, D/o. Late Prem Kishen Pershad, R/o. 1-35-462/2, BHEL Colony, Rasoolpura, Secunderabad.
6. Master Roop Kishen Pershad Seth, D/o. Late Prem Kishen Pershad, R/o. 1-35-462/2, BHEL Colony, Rasoolpura, Secunderabad.
(appellants 3 to 6 brought on record as LRs of the deceased 2nd appellant s per Court order dt.01-11-2011 in CCCA MP No.616/2011)

...Petitioners

And

1. Smt. Swaroop Dhupar W/o. Sri S.P. Dhupar, R/o. Plot No.54, Gun Rock Enclave, Phase-I, Gate-3, Secunderabad.
2. Smt. Tej Tandon W/o. Sri Dilip Tandon, R/o. Indra Mansion, 1669, Road No.12, Banjara Hills, Hyderabad – 500 034.
3. M/s. Neni Hi-Tech Club, 69, Lalbungalow, Old Airport, Bowenpally, Secunderabad.
4. Mrs. Naveena Lakhani W/o. Kamaluddin Lakhani,
5. Mr. Kamaluddin Lakhani S/o. late M.A. Lakhani
6. Mr. Kareem Lakhani S/o. Kamaluddin Lakhani,
(R4, R5 and R6 R/o. Flat No.1-A, Mahaveer Nest, Fateh Sultan lane, Hyderabad.)
7. State Bank of India, Gunfoundry Branch, Hyderabad.
(R 3 to R7 not necessary parties.)

... Respondents

! Counsel for the Petitioner s : Mr. T.Surya Satish

^ Counsel for Respondents 5 to 12 & 27 : Mr. E. Ajay Reddy

^ Counsel for Respondents 18 & 19 : Mrs. Chitra Sampath, Sr.C

^ Counsel for Respondents 28 to 34 : Mr. M.S.N. Prasad

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> HEAD NOTE:

? Cases referred



HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
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ORDER: (per VRS,J.)

This appeal arises out of a preliminary decree for partition. The appellants herein were originally arrayed as defendants 1 and 2 in the suit. The respondents 1 and 2 in the appeal were the plaintiffs. The suit was decreed purportedly under Order XV, Rule 1, on the premise that the parties were not at issue on any question of law or fact.

2. At the time when the above appeal came up for hearing, the counsel for the respondents 1 and 2 filed a memo which reads as follows:

“1. It is humbly submitted that the above first appeal was filed by the defendants 1 and 2 in O.S.No.84 of 2004 on the file of the I Addl. Chief Judge, City Civil Court, Secunderabad aggrieved by the preliminary decree dated 19.01.2009.

2. It is further submitted that while the appeal is pending, in another proceedings when the matter went up to the Hon'ble Supreme Court, after hearing the parties, the Hon'ble Supreme Court had directed them to explore the possibility of settlement through mediation centre.

3. Accordingly the parties have appeared before the mediator appointed by the mediation centre located in the premises of this Hon'ble Court and have reached an understanding, which was reduced into writing as Settlement Agreement dated 18.10.2016.

4. It is submitted that the Hon'ble Supreme Court had recorded the said Settlement Agreement in Special Leave to Appeal (C) No. 18618 of 2012 by order dated 25.08.2017 and made the Settlement Agreement dated 18.10.2016 as part of this order.

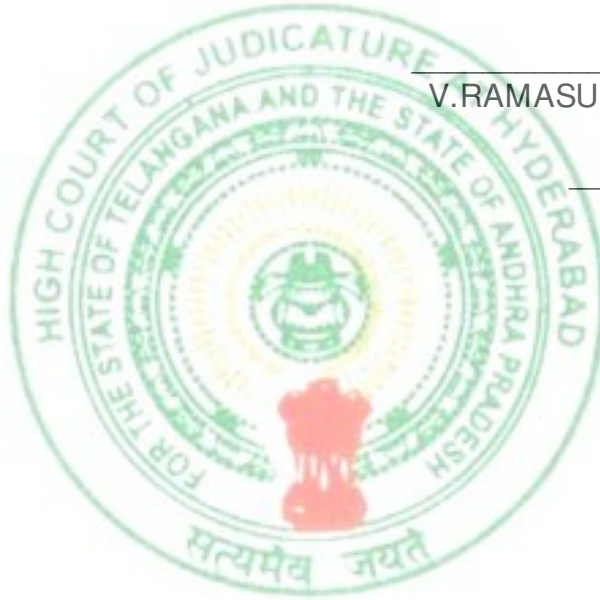
5. It is submitted that in view of the settlement, the appeal may be closed by permitting the parties to record this settlement in the main suit O.S. No. 84 of 2004 and get a final decree passed in terms of the Settlement Agreement. The order of the Hon'ble

Supreme Court together with the certified copy of Settlement Agreement dated 18.10.2016 is filed herewith.”

3. It appears that a settlement was reached before the Mediation Centre and the settlement was also noted by the Supreme Court in a related proceeding before the same parties in Civil Appeal No. 10864 of 2017 by order dated 25.08.2017. Therefore the appeal is disposed of in terms of the settlement reached between the parties. There shall be no order as to costs.

4. As a sequel, miscellaneous petitions pending in this appeal, if any, shall stand closed.

17th July, 2018
Js.



V.RAMASUBRAMANIAN, J.

J. UMA DEVI, J.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE MS JUSTICE J. UMA DEVI

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17th July, 2018

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