

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

AND

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

I.A.No.1 of 2018
in/and A.S.No.694 of 2017

18.04.2018

Between:

G.Sudharsana Varma

..Applicant/Appellant

and

Sri Murali Spinning Mills Limited,
represented by its Managing Director, Tirupati

..Respondent

Counsel for the applicant/appellant: Ms.Manasa Ganu
for Mr.Sunil B Ganu

Counsel for the respondent : Ms.S.Deepa Sree
for Mr.S.V.Ramakrishna

The Court made the following:



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

A.S.No.694 of 2017 is filed against judgment and decree, dated 27.06.2017, in O.S.No.69 of 2008 on the file of learned V Additional District Judge, Tirupati, whereby he has dismissed the said suit filed by the appellant for specific performance of agreement of sale, dated 28.11.2003, in respect of Acs.20.00 of land in survey No.164 in patta No.40 of Konka Chennaiahgunta Village of Tirupati Urban Mandal.

2. I.A.No.1 of 2018 is filed by the applicant/appellant for recording of compromise and for allowing the appeal in terms of memorandum of compromise, dated 23.03.2018, without costs. Along with the said I.A., the applicant/appellant has filed a sworn affidavit, wherein it is, *inter alia*, averred that during the pendency of the appeal, settlement was arrived at, following due deliberations and discussions, between the parties. Along with the said affidavit, the memorandum of compromise jointly signed by the applicant/appellant as well as the respondent represented by its Managing Director and their respective counsel has been filed. The sum and substance of the settlement is that out of the extent of Acs.20.00 of land, which is the suit schedule property, the respondent has agreed to sell Acs.15.50 cents of land and execute the sale deed and that in lieu thereof,

the applicant/appellant would forego the balance extent of Acs.4.80 cents of land.

3. At the hearing, the applicant/appellant as well as the respondent represented by its Managing Director – D.Subramanyam Naidu are personally present and they have affirmed the aforesaid settlement arrived at between them.

4. In the light of the above, I.A.No.1 of 2018 is allowed by recording the compromise. The judgment under appeal is set aside. A.S.No.694 of 2017 is allowed in terms of memorandum of compromise, dated 23.03.2018. A decree shall, accordingly, be passed in terms of the said memorandum of compromise, the terms of which shall stand incorporated in the decree.

5. As a sequel to allowing the appeal, interim order, dated 31.07.2017, in A.S.M.P.No.1699 of 2017 is vacated and A.S.M.P.Nos.1698 and 1699 of 2017 filed by the applicant/appellant for interim reliefs stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

D.V.S.S.SOMAYAJULU, J

18th April, 2018
GHN