

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

I.A.No.1 of 2018

IN/AND

APPEAL SUIT No.575 of 2017

COMMON ORDER:

When the original suit for enforcement of agreement of sale was filed by the appellant against the 1st and 2nd respondents, as the 1st respondent sold away the very same property to the 2nd respondent under a registered sale deed, the learned IX Additional District Judge (FTC), Krishna, Machilipatnam, dismissed the suit.

Against the judgment and decree passed in the original suit, the present appeal is filed.

Today, when the matter is taken up for hearing, Sri Challa Ajay Kumar, learned counsel for the appellant, would seek permission to not press the appeal suit against the 1st respondent – Katakam Nancharaiah.

Permission is granted.

The present appeal is dismissed as not pressed as against the 1st respondent.

The 2nd respondent in the present appeal, who is the 2nd defendant in the original suit, filed the present I.A.No.1 of 2018 to record the terms and conditions of the compromise memo.

Today, both parties i.e., the appellant and the 2nd respondent are present and they are identified by their respective counsel Sri Narasimha Rao Gudiseva and Sri Challa Ajay Kumar. Both the counsel would submit that the parties have entered into compromise as per the terms

incorporated in the compromise memo filed along with the present I.A., as per which, the appellant received Rs.5,50,000/-, as mentioned in clauses 'B' and 'C' of compromise memo, and given up his claim over the suit property and, therefore, seeks to dismiss the appeal suit by recording compromise.

When the contents mentioned in the present I.A are explained to both parties, they have affirmed the same. The appellant has affirmed that he has received Rs.5,50,000/- and both parties requested the Court to record the compromise. The parties have produced photostat copies of their respective 'Aadhaar cards', in proof of their identity, and they are verified.

As requested by the parties, I.A.No.1 of 2018 is allowed recording compromise so far as the appellant and the 2nd respondent are concerned as per the terms incorporated in the compromise memo.

Since I.A.No.1 of 2018 is allowed by recording compromise as noted in the above, the present appeal suit is dismissed so far as the 2nd respondent is concerned.

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

A. SHANKAR NARAYANA, J

08.02.2018

v v