

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

AND

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

A.S.No.913 of 2002

Date: 12.04.2018

Between:

K.Narayana Rao S/o.Late Appayya,
Aged 72 years, R/o.H.No.11-1-13,
Mandali Veedhi, Srikakulam
and six others

...

Appellants

And

M/s.Ajanta Real Estates, a registered firm
rep. by Managing Partner S.Ramesh
Aged:32 years, D.No.8-7-19,
Perlavari street, Srikakulam
and 14 others

...

Respondents



Counsel for the Appellants : Mr.P.Sri Ram for appellants No.2&3
Appellant No.4 – party-in-person

Counsel for the Respondents: Mr.M.V.Durga Prasad

The Court made the following:

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

This appeal is filed by the unsuccessful defendants No.5,6,7,8, 14, 15 and 16, against the judgment and decree dated 19.04.2002 in O.S.No.122 of 1996 on the file of the Additional Senior Civil Judge, Srikakulam.

2. On being made to realize the futility of the litigation for decades on-end, thereby, carrying the litigation from generation to generation, better sense prevailed on all the parties and they have agreed to settle the dispute, on the initiative taken by the court. Though the process of compromise went through some turbulences, finally, all the parties including the L.Rs. of deceased No.3 and certain persons who claim to be the partners intending to come on record, agreed for the compromise. Separate orders on their applications were passed, which are self speaking and they are made part of this order.

3. During the midst of the proceedings, a joint compromise memorandum was filed by the appellants No.2 and 3 (appellant No.1 died) and one Voona Sarveswara Rao, who claims to be the managing partner of respondent No.1 firm at present, agreeing in principle to settle the dispute on the terms contained therein. This was placed on record by this Court by order dated 26.12.2017. Though appellant No.1 died, as the appellants No.2 to 4 who are his sons being already on record, the right to sue survived and the appeal has not abated.

4. When the appeal was coming up for filing joint memo. of final settlement, appellant No.2, did not cooperate for some time. However, on 06.04.2018, Mr.P.Sri Raghu Ram, learned senior counsel appearing for Mr.P.Sri Ram, learned counsel for the appellants, stated that the said appellant is also willing to finally settle the dispute. Today, by a separate order passed in I.A.No.5 of 2018, filed by appellant No.4, who was not present when the joint compromise memorandum was filed, was permitted to sign the said joint memorandum of compromise. Appellants No.2,3, 4 and Voona Sarveswara Rao, claiming to represent respondent No.1 firm, are personally present. Mr.S.Ramesh, who was one of the original managing partners and also Mr.S.Ramji, another original managing partner, are also present. They all agreed that the compromise memo. already filed could be made final between the appellants and respondent No.1 firm represented by Mr.Voona Sarveswara Rao, leaving the *inter-se* disputes among the partners, to be decided in appropriate proceedings. All these parties requested this court to treat the joint memorandum of compromise filed on 26.12.2017, to be the final settlement, by permitting the appellant No.2, to sign on behalf of appellants No.5 and 6, his children and appellant No.3 to sign on behalf of appellant No.7, his daughter, being the Karthas of the respective joint families.

5. Mr.Voona Sarveswara Rao, representing respondent No.1 firm, has accepted this proposal. Accordingly, we have permitted appellants No.2 and 3 to sign the joint memorandum of compromise on behalf of appellants No.5 to 7 also, which they did.

6. In the light of the joint memorandum of compromise referred to in order dated 26.12.2017, which is further signed by appellant No.4 individually and also appellants No.2 and 3 on behalf of appellants No.5 to 7, the appeal is disposed of in terms thereof, by modifying the judgment of the lower court dated 19.04.2002 in O.S.No.122 of 1996 on the file of Additional Senior Civil Judge, Srikakulam. The modified decree shall, accordingly, be passed in terms of the joint memorandum of compromise.

7. As a sequel to disposal of the appeal, miscellaneous applications if any, stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(D.V.S.S.Somayajulu, J)

Date: 12th April, 2018

msb/DR

