

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

AND

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

I.A.No.3 of 2018
in/and A.S.No.1130 of 2017

10.04.2018

Between:

J.Bhaskar and others

..Applicants/Appellants

and

S.Kishore Kumar and others

..Respondents

Counsel for the applicants/appellants: Mr.N.Praveen Reddy

Counsel for the respondents: Mr.Vedula Srinivas

The Court made the following:



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

A.S.No.1130 of 2017 is filed against judgment and decree, dated 18.09.2017, in O.S.No.11 of 2010 on the file of the learned Principal District Judge, Kurnool, whereby she has decreed the suit filed for specific performance of agreement of sale, dated 24.12.2004, in favour of the respondents/plaintiffs.

2. I.A.No.3 of 2018 is filed by the applicants/appellants for recording of compromise and allowing the appeal in terms of memorandum of compromise, dated 06.04.2018, signed by all the parties and their respective counsel, by setting aside the judgment under appeal. Along with the said I.A., applicant No.2/appellant No.2 has filed the affidavit apart from the memorandum of compromise, which contains the terms of the compromise. As per the said terms, the applicants/appellants have agreed to pay a total sum of Rs.10,00,000/- (Rupees ten lakhs only) to the respondents i.e., Rs.4,95,000/- each to respondent Nos.1 and 2 and Rs.10,000/- to respondent No.3, in lieu of their giving up claims over the suit schedule property. The respondents have also acknowledged the receipt of the aforesaid sum in full and final settlement of their claims over the suit schedule property. They have, accordingly, prayed for dismissing the suit filed by them for specific performance of the agreement of sale, by setting aside the judgment and decree passed by the Court below.

3. At the hearing, all the parties, except applicant Nos. 4 and 7/appellant Nos.4 and 7, who are stated to have been represented by the General Power of Attorney *viz.*, J.Venkatesh (for short “the GPA”) are present. The GPA is also personally present. All of them have affirmed the memorandum of compromise and agreed for setting aside the judgment under appeal.

4. In the light of the above, I.A.No.3 of 2018 is allowed by recording compromise, A.S.No.1130 of 2017 is allowed in terms of memorandum of compromise, dated 06.04.2018, filed along with I.A.No.3 of 2018, and judgment and decree, dated 18.09.2017, in O.S.No.11 of 2010 on the file of the learned Principal District Judge, Kurnool are set aside.

5. As a sequel to allowing the Appeal, interim order, dated 21.11.2017, in I.A.No.1 of 2017 (A.S.M.P.No.2810 of 2017) is vacated and I.A.No.1 of 2017 (A.S.M.P.No.2810 of 2017) and I.A.No.1 of 2018 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

D.V.S.S.SOMAYAJULU, J

10th April, 2018
GHN

CVNRJ & DVSSJ
I.A.No.3 of 2018
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