

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

I.A.No.3 of 2019
in/ and
C.C.C.A.No.220 of 2019

COMMON JUDGMENT:-

Heard Sri G.Ramakrishna, learned counsel, appearing on behalf of Sri V.Hari Haran, learned counsel for the appellant/defendant, Sri M.Murali Krishna, learned counsel, appearing on behalf of Sri K.Pavan Kumar, learned counsel for the respondent/plaintiff and perused the record.

2. I.A.No.3 of 2019 is filed along with a Memorandum of Compromise, dated 04.11.2019, stating that the parties have compromised the subject matter of the appeal amicably and prayed to record the compromise between the parties. Both the parties are present before this Court and they are identified by their respective counsel. Both the parties have submitted Photostat copy of their Aadhar Card, duly signed, as their identity. The contents of the Memorandum of Compromise, dated 04.11.2019, are read over to the parties and they admitted that they voluntarily entered into the compromise and the terms of compromise are true and binding. Further, the respondent/plaintiff acknowledged the receipt of the debt amount from the appellant/defendant.

3. In view of the compromise arrived between the parties, I find that it is a fit case to record the compromise by

exercising power under Order XXIII Rule 3 of the Code of Civil Procedure, 1908. Accordingly, I.A.No.3 of 2019 is allowed.

4. In view of the orders passed in I.A.No.3 of 2019, the appeal stands dismissed in terms of the Memorandum of Compromise, dated 04.11.2019. The trial Court is directed to return Ex.A.1-original mortgage deed, dated 29.10.2014, bearing document No.1168/2014 executed by the defendant, and Ex.A.2-original gift settlement deed, dated 30.03.2013, bearing No.761/2013 in favour of the defendant, to the appellant herein, on an application and on proper identification. The Registry is directed to annex a copy of the Memorandum of Compromise, dated 04.11.2019, to the decree.

Miscellaneous petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

07th November, 2019
Bvv

Dr. SHAMEEM AKTHER, J