

The Hon'ble Sri Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice T.Amarnath Goud

A.S.No.384 of 2017

Judgment: (per Hon'ble Sri Justice Raghvendra Singh Chauhan)

Having been aggrieved by Judgment and Decree, dated 14-10-2015, passed by the Special Sessions Judge for trial of SC's & ST's (POA) Act Cases –cum- Additional District Judge, Nalgonda, the appellant has filed the present Appeal before this Court.

By the aforesaid Judgment and Decree, the learned Trial Court had directed the appellant - defendant to pay a sum of Rs37,65,000/- along with interest @ 18% p.a., from the date of filing of the suit till the date of realisation. However, during the pendency of the present Appeal, both the parties have entered into a compromise before the Lok Adalat. The Lok Adalat has passed the following award:-

"1. Sri Jithender Rao Veeramalla, learned counsel for appellant, is present.

2. The appellant is present and she is identified by her counsel. The Xerox copy of the Aadhar Card filed by the appellant is made part of the record.

3. Sri Challa Dhananjay, learned counsel for respondent, is present.

4. Today both the parties are present and signed the compromise memo. The terms of compromise are read over and explained to both parties in Telugu and admitted by them that they are true and correct.

5. Accordingly, the compromise is recorded as stated in the Compromise Memo dated 23.12.2018 and pursuant to the same, AS No.384 of 2017 stands disposed of as settled out of court. Accordingly, award is passed. The compromise shall form part and parcel of this award.

6. respondent/plaintiff received an amount of Rs.15,88,179/- towards full and final settlement amount of interest part vide Bankers cheque bearing No.745294, dated 20.12.2018 drawn on State Bank of India, Moosarambagh branch, Hyderabad. In all, he received total amount of Rs.45,88,179/- (Rs.30,00,000/- + 15,88,179/- = 45,88,179/-) towards full and final settlement of mortgage decree dated 14.10.2015 passed in OS No.83 of 2013.

8. respondent/plaintiff undertook to withdraw EP No.179 of 2016 in OS No.83 of 2013 in terms of compromise memo dated 23.12.2018.

9. respondent/plaintiff undertook to execute redemption deed for cancellation of suit mortgage deed, within two weeks from the date of passing this Award and to hand over the original mortgage deed and other link documents.

10. In terms of the compromise arrived at between the parties, this first appeal is disposed of.

11. The parties are informed that the court fee, if any, paid by the appellant in this appeal shall be refunded.

12. No order as to costs of appeal.”

Therefore, the present Appeal is decided in terms of the compromise entered between the parties. The Registry is

directed to draw the decree in terms of the compromise entered between the parties.

The present Appeal stands disposed of.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Raghvendra Singh Chauhan, J)

(T.Amarnath Goud, J)

Dt: 21st January, 2019

Note:
CC in two days.
B/o
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