

HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HONOURABLE SRI JUSTICE P. KESHA RAO

A.S. No.181 OF 2012

JUDGMENT: *(Per Hon'ble Sri Justice V. Ramasubramanian)*

The parties have entered into a joint memo of compromise. It reads as follows:

“1. I respectfully submit that the Plaintiffs/Respondents 1 to 4 filed O.S. No.37 of 2007 on the file of court of 1st Additional District Judge at Mahabubnagar against 1st Appellant/Late Avula Chinna Krishna and others for recovery of Rs.29 Lakhs basing on agreement dated 20.06.2007. The court below decreed the suit on 23.01.2011 against which 1st Appellant filed the above present appeal and the said appeal was admitted and the Hon'ble Court was pleased to grant stay on a condition to deposit half of the amount, as per the directions of the Hon'ble Court 1st Appellant deposited by way of demand draft bearing No.4790 dated 28.11.2012 drawn on ICICI bank for an amount of Rs.23,01,106/-. In mean while the respondents 1 to 4 filed E.P. No.34 of 2012 on the file of the Senior Civil Judge, Wanaparthy and the same is pending.

2. I respectfully submit that at the instance of elders and well-wishers we came to an understanding with an outcome of compromise, as such both are intending to settle the issue. The respondent herein 1 to 4 have expressed their willingness to compromise between appellants 2 to 4 and the respondent herein 1 to 4 have received remaining balance of an amount of Rs.27,00,000/- (Rupees Twenty seven Lakhs only) towards full and final settlement of all claims against us including interest. The said amount is paid by way of cash to the respondents 1 to 4 on 09.04.2019.

3. I respectfully submit that there are no claims against each other in future. We hereby declare that there are no issues out of the decree dated 23.01.2011 in O.S. No.37 of 2007 on the file of court of 1st Additional District Judge at Mahabubnagar between appellants and the

respondents 1 to 4 herein. The respondents 1 to 4 intended to withdraw E.P. No.34 of 2012 on the file of the Senior Civil Judge, Wanaparthy. The terms and conditions arrived in between parties may be recorded.

TERMS OF COMPROMISE:

a) The respondents herein 1 to 4 have expressed their willingness to compromise between appellants 2 to 4 and the respondent herein 1 to 4 have received cash remaining balance of an amount of Rs.27,00,000/- (Rupees Twenty seven Lakhs only) from the appellants 2 to 4 towards full and final settlement.

b) The respondent herein 1 to 4 will never claim any amount in future with regard to the decree passed in O.S. No.37 of 2007 dated 23.01.2011.

c) The respondent herein 1 to 4 agreed to withdraw E.P. No.34 of 2012 on the file of the Senior Civil Judge, Wanaparthy forth with, after disposal of A.S. No.181 of 2012 before the Hon'ble High Court.

4. I submit that the plaintiffs/respondents 1 to 4 in A.S.No.181 of 2012 approached the appellants/petitioners to settle the dispute as regards and in so far as their claim over the suit is concerned. Accordingly both the parties have arrived to a compromise, out of the free will and without any pressure or coercion from any quarter. This joint memo has been entered and executed with the will and wish of the petitioners/appellants and respondents 1 to 4 herein. Hence this Joint Memo.”

2. The parties are present in Court. They were identified by their respective counsel.

3. Therefore, the present appeal is disposed of in terms of above compromise. However, in the circumstances of the case, there shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the appeal, shall stand closed.

V. RAMASUBRAMANIAN, J

P. KESHA VA RAO, J

June 18, 2019
Mgr

