

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

I.A.No.5 of 2019

IN/ AND

SECOND APPEAL No.645 of 2012

COMMON JUDGMENT:

This second appeal is filed by the plaintiff against the Judgment and Decree dated 07.09.2011 passed by the III Additional District Judge (I FTC), at Nalgonda, in Appeal Suit No.11 of 2004 (for short, the 'first appellate Court'). By the impugned judgment, the first appellate Court dismissed the appeal, thereby affirming the judgment and decree dated 28.07.2003 passed by the Junior Civil Judge, Nakrekal (for short, 'the trial Court') in O.S.No.11 of 1996.

O.S.No.11 of 1996 was filed by the plaintiff praying the trial Court to declare him as entitled to 1/3rd share in the plaint schedule properties and also to appoint an Advocate Commissioner to put him in possession.

The trial Court, after due enquiry, dismissed the suit; and, on appeal, the first appellate Court affirmed the judgment. Aggrieved by the same, the plaintiff filed the present second appeal.

This Court, vide order dated 29.09.2015 in S.A.M.P.No.438 of 2015, granted stay of passing final decree only, while directing all other proceedings may go on.

Today, when the matter is taken up, both the learned counsel representing the respective parties submit that the present application I.A.No.5 of 2019 along with a Joint Memo of Compromise dated 22.11.2018

is filed on 22.07.2019, and that the parties have amicably settled the matter by mutually agreeing to abide by the terms of the compromise, and therefore, the second appeal may be disposed of by recording the compromise entered into between the parties.

The appellant/plaintiff and the respondents/defendants are present before the Court today, and they are identified by their respective counsel. The parties have stated that they have amicably settled the matter by way of compromise as per the terms spelt out in the Joint Compromise Memo dated 22.11.2018.

In those circumstances, I.A.No.5 of 2019 is allowed, and the second appeal is disposed of by recording the compromise entered into by the parties. The Joint Compromise Memo dated 22.11.2018 shall form part of the order and record. No costs. Pending miscellaneous petitions, if any, shall stand closed.

JUSTI CE CHALLA KODANDA RAM

22nd July, 2019

KSM

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