

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

I.A.Nos.1 and 2 of 2019
IN/AND
SECOND APPEAL No.82 of 2011

COMMON ORDER :

The appellant and respondent Nos.1 and 2 are present. Respondent Nos.3 and 4-co-defendants to respondent Nos.1 and 2 in the second appeal endorsed not necessary parties as they remained *ex parte* even before the trial Court. Leave about the fact that they were even shown as co-respondents (R.2 and R.3) to the first appeal maintained by respondent Nos.1 and 2 as the plaintiffs/appellants. The relief granted by the lower appellate Court is by setting aside dismissal judgment and decree in the suit only against defendant No.1, who is the appellant in second appeal, and dismissed the relief against defendant Nos.2 and 3/respondent Nos.3 and 4 to the second appeal *supra*.

2. The said defendant No.1 and the plaintiffs as parties to the decree of the lower appellate Court pending the second appeal having been present stated settled the money claim in respect of the appellate Court decree *supra* amicably to adjust the deposit amount and paid the balance Rs.75,000/- each by demand drafts as mentioned in the terms of the compromise. Having regard to the above, the compromise is recorded.

3. Accordingly, I.A.Nos.1 and 2 of 2019 are allowed and the second appeal is disposed of in terms of the compromise. The terms of compromise are appended as part of the second appeal.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

26th March 2019.

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