

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE P.SREE SUDHA

APPEAL SUIT NO: 1036 OF 2013

Appeal filed under Section 96 r/w Order 41 Rule 1 of CPC against the Judgment and Decree dated 31/10/2013 made in O.S.No.65 of 2009 on the file of the Court of the Senior Civil Judge, Siddipet, Medak District.

Between:

1. Kaparathi Vara Laxmi, W/o late Lingam, Aged about 68 years, Occ Housewife,
2. Kaparathi Krishnaveni, W/o late Vinay kumar, Aged about 37 years, Occ Housewife,
3. Kaparathi Lingesh, S/o late Vinay kumar, Age Minor, Occ Student,
4. Kaparathi Manisha, D/o late Vinay kumar, Occ Student,

Appellants 3 and 4 are being minors, rep by their mother K.Krishnaveni, the appellant No.2,

All are Residents of H.No. 7-1-59, Subash Road, Siddipet Town, Medak District.

...APPELLANTS/DEFENDANTS

AND

1. Kaparathi Nagaraju, S/o Chinna Lingam, Aged about 42 years, Occ Business
2. Kaparathi Jagadishwar, S/o Chinna Lingam, Aged about 40 years, Occ Business,

Both are residents of H.No.1-56, Shankarnagar, Narsapur village, R/M Siddipet, Medak District.

...RESPONDENTS/PLAINTIFFS

Counsel for the Appellants: M/s. A. Satyasiri

Counsel for the Respondents: Shashidhar Guruvula

The Court delivered the following JUDGMENT:

THE HON'BLE SMT. JUSTICE P.SREE SUDHA

APPEAL SUIT No.1036 of 2013

JUDGMENT:

This appeal suit is filed against the judgment and decree dated 31.10.2013 passed in O.S.No.65 of 2009 on the file of the Senior Civil Judge, Siddipet, Medak District.

2. The suit vide O.S.No.65 of 2009 was filed for recovery of amount was decreed on 31.10.2013 against which appeal is preferred.

3. Learned counsel for the appellants and learned counsel for the respondents present.

4. It is represented that during the pendency of the appeal, parties entered into the settlement and also a compromise joint memo was executed between the parties.

5. In view of the compromise joint memo executed between the parties, appeal is allowed in terms of joint memo.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

Sd/- K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Senior Civil Judge, Siddipet, Medak District.
2. One CC to M/s. A. Satyasiri Advocate [OPUC]
3. One CC to Sri Shashidhar Guruvula Advocate [OPUC]
4. Two CD Copies
(Along with a copy of joint memo)

VH/gh

PA

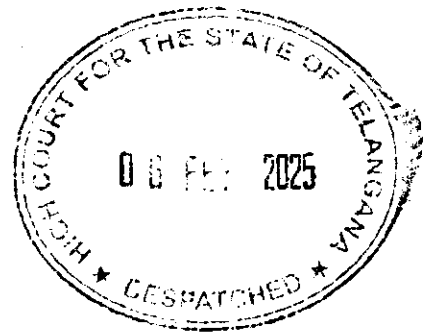


HIGH COURT

DATED: 31/12/2024

JUDGMENT

AS.No.1036 of 2013



**ALLOWING THE APPEAL IN TERMS
OF JOINT MEMO**

PA
3/2/25
6 copies

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA

RUNNING INDEX

A.S.No.1036 of 2013

Sl No (1)	Description of the document (2)	Date of Paper	Date of filing (4)	Page No. (5)
1	Joint Memo	28.10.2024	08.11.2024	1-4
2	Copy of the Settlement Agreement	28.10.2024	-do-	5-8

HYDERABAD
Dated: 08-11 -2024


COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD

A.S.No. 1036 of 2013

Between:

1. Kaparathi Vara Laxmi, Wife of Late Lingam, aged about 76 years, Occupation: Housewife.
2. Kaparathi Krishnaveni, Wife of Late Vinay Kumar, aged about 48 years, Occupation: Housewife.
3. Kaparathi Lingesh, Son of Late Vinay Kumar, aged about 27 years, Occupation: Chartered Accountant in Practice.
4. Kaparathi Santhoshi alias Kaparathi Manisha, Daughter of Late Vinay Kumar, aged about 23 years, Occupation: Private Service.

All are residents of H.No. 7-1-59, Subash Road, Siddipet Town, Siddipet District, Telangana.

...Appellants/Defendants

And

1. Kaparathi Nagaraju, Son of Chinna Lingam, aged about 57 years, Occupation: Business;
2. Kaparathi Jagadishwar, Son of Chinna Lingam, aged about 55 years, Occupation: Business;

Both residents of H.No. 1-56, Shankarnagar, Narsapur Village, Siddipet Mandal, Medak District.

...Respondents/Plaintiffs

JOINT MEMO

1. The Respondents/Plaintiffs had instituted a civil suit bearing O.S. No. 65/2009 on the file of the Hon'ble Senior Civil Judge,

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K. Krishnaveni

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Lingeshwar

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K. Santhoshi

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Siddipet, Medak District, seeking recovery of a sum of Rs.6,76,666/- (Rupees Six Lakhs Seventy-Six Thousand Six Hundred Sixty-Six Only), inclusive of a principal amount of Rs.5,00,000/- (Rupees Five Lakhs Only), allegedly borrowed by the deceased Vinay Kumar during his lifetime on the basis of registered mortgage deed without possession executed by him and his mother the 1st Appellant herein in favour of the Plaintiffs/Respondent vide document bearing No. 5389 of 2003 dated 22.10.2003 registered in the office of the Sub-registrar, Siddipet

2. The Hon'ble Trial Court, vide its judgment and decree dated 31-10-2013, decreed the suit in favor of the Respondents/Plaintiffs, holding the Appellants/Defendants jointly and severally liable for a sum of Rs.6,76,666/-, with future interest at the rate of 12% per annum, while limiting the liability of Defendants No. 2 to 4 to the estate of the deceased Vinay Kumar.
3. Aggrieved by the said judgment and decree, the Appellants/Defendants preferred the above captioned First Appeal before this Hon'ble Court. This Hon'ble Court, vide its interim order, stayed the execution of the decree dated 31-10-2013, subject to the condition that the Appellants/Defendants deposit 50% of the decretal amount. In compliance with the said order, the Appellants/First Party have deposited a sum of Rs.5,44,878/-, which may be withdrawn by the Respondents/Second Party, and the First Party/Appellants

(K. Santhoshji K. Krishnaveni Jageshwar)

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K. Santhoshji

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R2. K. Appellants

shall issue No Objection for withdrawal of the said amount along with the interest which is in deposit before the trial court.

4. In the course of the proceedings, given the close familial relations between the Parties and with the intervention and mediation of family elders and well-wishers, the Parties have arrived at an amicable settlement, thereby agreeing to resolve and settle all their disputes, including those arising from O.S. No. 65/2009 and the above captioned First Appeal. As per the Settlement Agreement, an additional amount of Rs.8,30,000/- is being paid by the Appellants to the Respondents jointly. It is respectfully submitted that the amount satisfies the Decree Amount, and no further amounts are payable to the Respondents by the Appellants. It is further agreed that the Respondents No. 1 & 2 will release the registered mortgage deed referred above vide document bearing No. 5389 of 2003 dated 22.10.2003 in favour of the Appellant by executing necessary documents in this regard before the Sub-Registrar, Siddipet.

5. In view of the aforementioned settlement and as per the terms and conditions mutually agreed upon, as per the Settlement Agreement dated 15-10-2024 the Parties respectfully submit that the matter stands resolved in its entirety and no further disputes remain between them. Accordingly, the Parties jointly pray before this Hon'ble Court that the pending Appeal Suit No. 1036/2013 be disposed of in terms of the settlement. Copy

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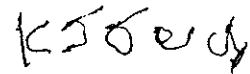
of the Settlement Agreement is annexed herewith for the kind perusal of this Hon'ble Court.

6. The Parties further submit that the said settlement has been entered into voluntarily, without any undue influence, coercion, or pressure, and that they shall bear their respective costs incurred in the proceedings.

Hence this joint memo.



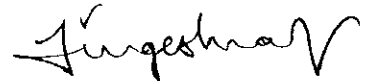
Counsel for Appellants



Appellant No.1

K. Krishnaveni

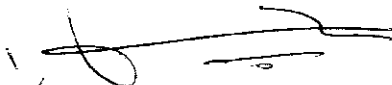
Appellant No.2



Appellant No.3

K. Santhoshi

Appellant No.4



Counsel for Respondents



Respondent No.1



Respondent No.2

Hyderabad
Date : 28.10.2024

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SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (the "Agreement") is executed on this 28th day of October, 2024 (the "Execution Date") at Siddipet, Telangana, India, by and among:

FIRST PART

1. *Kaparthi Vara Laxmi*, Wife of Late Lingam, aged about 76 years, Occupation: Housewife;
2. *Kaparthi Krishnaveni*, Wife of Late Vinay Kumar, aged about 48 years, Occupation: Housewife;
3. *Kaparthi Lingesh*, Son of Late Vinay Kumar, aged about 27 years, Occupation: Chartered Accountant in Practice;
4. *Kaparthi Santhoshi alias Kaparthi Manisha*, Daughter of Late Vinay Kumar, aged about 23 years, Occupation: Private Service; All residents of H.No. 7-1-59, Subash Road, Siddipet Town, Siddipet District, Telangana;
(Hereinafter collectively referred to as the "Appellants/Defendants", which expression shall, unless repugnant to the context or meaning thereof, be deemed to mean and include their respective legal heirs, successors, representatives, and assigns) of the FIRST PART;

SECOND PART

1. *Kaparthi Nagaraju*, Son of Chinna Lingam, aged about 57 years, Occupation: Business;
2. *Kaparthi Jagadishwar*, Son of Chinna Lingam, aged about 55 years, Occupation: Business; Both residents of H.No. 1-56, Shankarnagar, Narsapur Village, Siddipet Mandal, Medak District, Telangana;
(Hereinafter collectively referred to as the "Respondents/Plaintiffs", which expression shall, unless repugnant to the context or meaning thereof, be deemed to mean and include their respective legal heirs, successors, representatives, and assigns) of the SECOND PART.

The Appellants/Defendants and Respondents/Plaintiffs are hereinafter collectively referred to as the "Parties" and individually as a "Party."

WHEREAS,

- A. The Respondents/Plaintiffs filed a civil suit bearing O.S. No. 65/2009 on the file of the Hon'ble Senior Civil Judge, Siddipet, Medak District, seeking recovery of a sum of Rs.6,76,666/- (Rupees Six Lakhs Seventy-Six Thousand Six Hundred Sixty-Six Only), inclusive of a principal amount of Rs.5,00,000/- (Rupees Five Lakhs Only) allegedly borrowed by Late Vinay Kumar during his lifetime on the basis of registered mortgage deed without possession executed by him and his

K. Santhoshi
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Lingeshwar
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K. Santhoshi
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mother the 1st Appellant herein in favour of the Plaintiffs/Respondent vide document bearing No. 5389 of 2003 dated 22.10.2003 registered in the office of the Sub-registrar, Siddipet.

- B. The Hon'ble Court trial vide its judgment dated 31-10-2013 decreed the suit, holding the Appellants/Defendants jointly and severally liable for the amount of Rs.6,76,666/-, along with future interest at the rate of 12% per annum, limiting the liability of Defendants No. 2 to 4 to the estate of Late Vinay Kumar.
- C. Aggrieved by the said judgment, the Appellants/Defendants filed Appeal Suit No. 1036 of 2013 before the Hon'ble High Court for the State of Telangana, which is currently pending adjudication. The Hon'ble High Court granted stay of the Decree dated 31-10-2012 on the condition of deposit of 50% of the decretal amount. The Appellants/First Party have paid an amount of Rs.5,44,878/- in terms of the said order which was withdrawn by the Respondent/Second Party;
- D. Owing to the familial relationship between the Parties and after mediation by well-wishers and family elders, the Parties have mutually agreed to settle all disputes in the terms and conditions outlined herein, thereby putting an end to the pending litigation.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH AND THE PARTIES HEREBY AGREE AS FOLLOWS:

1. Settlement of Dispute

1.1. The Appellants/Defendants, in full and final settlement of all claims, liabilities, and obligations arising from or in connection with the aforementioned civil suit bearing O.S.No.65/2009 and the decree dated 31-10-2013, hereby agree to pay to the Respondents/Plaintiffs a total sum of Rs.8,30,000/- (Rupees Eight Lakhs Thirty Thousand only) (the "Settlement Amount"), in addition to the Rs.5,44,878/- deposited by the First Party in terms of the order of the Hon'ble High Court.

1.2. Out of the Settlement Amount:

- a. A sum of Rs.4,15,000/- (Rupees Four Lakhs Fifteen Thousand only) shall be paid to Respondent/Plaintiff No. 1, *Kaparthi Nagaraju*, by way of Demand Draft bearing No.000310 dated 28-10-2024 drawn on Axis Bank, Siddipet Branch.
- b. An equal sum of Rs.4,15,000/- (Rupees Four Lakhs Fifteen Thousand only) shall be paid to Respondent/Plaintiff No. 2, *Kaparthi Jagadishwar*, by way of Demand Draft bearing No. 000311 dated 28-10-2024 drawn on Axis Bank, Siddipet Branch

2. Closure of Litigation

2.1. The Appellants/Defendants shall, within a period of One Week from the Execution Date, file appropriate petitions before the Hon'ble High Court for the State

Page 2 of 4

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of Telangana, seeking the closure of A.S. No. 1036/2013, and the Respondents/Plaintiffs shall render unconditional cooperation and support in all respects necessary to facilitate the expeditious closure of the said litigation. The Respondents/Plaintiffs shall also take necessary steps for the closure of the Registered Mortgage Deed referred above bearing Document 5389/2003 dated 22.10.2003 by executing necessary documents for the discharge of the said documents

2.2. The aforementioned Demand Drafts shall be handed over to the Respondents/Plaintiffs on the date of closure of the Appeal Suit No. 1036/2013 by the Hon'ble High Court.

3. Release and Discharge

3.1. Upon receipt of the Settlement Amount in accordance with the terms herein, the Respondents/Plaintiffs, on their own behalf and on behalf of their respective heirs, successors, representatives, and assigns, hereby irrevocably and unconditionally release, waive, and discharge the Appellants/Defendants and their respective heirs, successors, representatives, and assigns from any and all claims, liabilities, demands, actions, suits, or proceedings, whether known or unknown, arising out of or in connection with the subject matter of O.S. No. 65/2009 and A.S. No. 1036/2013, including but not limited to the principal amount, interest, costs, and any other related claims.

Both parties agree that A.S.No.1036/2013 be closed in terms of this out of court settlement.

4. Withdrawal of Claims by Third Parties

The Respondents/Plaintiffs hereby confirm that no third parties have any valid or pending claims or actions against the Appellants/Defendants in connection with the subject matter of O.S. No. 65/2009 or A.S. No. 1036/2013. Should any such third-party claims arise, the Respondents/Plaintiffs shall take all necessary steps to ensure such claims are promptly withdrawn or dismissed, and shall indemnify the Appellants/Defendants against any liability arising from such claims.

5. Binding Effect

This Agreement shall be binding upon and shall inure to the benefit of the Parties hereto and their respective legal heirs, successors, executors, administrators, and permitted assigns.

6. Miscellaneous Provisions

13.1. Entire Agreement: This Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior understandings, agreements, and representations, whether oral or written, regarding such subject matter.

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K. Santhoshi
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R1 K. R. J. J.

R2 K. R. J. J.

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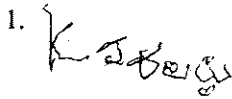
13.2. Governing Law: This Agreement shall be governed by and construed in accordance with the laws of India, and any disputes arising out of or in connection with this Agreement shall be subject to the exclusive jurisdiction of the courts at Hyderabad, Telangana.

13.3. Amendment: Any modification or amendment to this Agreement shall be in writing and signed by all Parties hereto.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date, month, and year first above written.

SIGNED AND DELIVERED by the within-named:

Appellants/Defendants

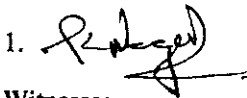
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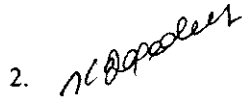
2. K. Krishnaveni

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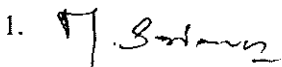
4. K. Santhosh

Respondents/Plaintiffs

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2. 

Witnesses

1. 

2. 

A. Satyasiri
11/8/17

MEDAK :: DISTRICT
HIGH COURT AT HYDERABAD
FOR THE STATE OF TELANGANA

A.S. No. 1036 of 20¹³

109773

JOINT MEMO



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Filed on: 11.11.2024

Filed by

A. SATYASIRI (16309)
Advocate
Counsel for the Petitioner