IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE P.SREE SUDHA

I.A. NO: 5 OF 2023
IN / AND
APPEAL SUIT NO: 227 OF 2023

Appeal under Section 96 and Order 41 of CPC against the Judgment and Decree dated 31.10.2022 made in O.S. No. 102 of 2013 on the file of the Court of the Principal District Judge, Medchal Malkajgiri District, at Malkajgiri.

Between:

M/s. Shatakarni Real Estates Private Limited, Registered under companies Act,1956, having registered office at 7th Floor Minerva Complex, No. 94, S.D. Road, Secunderabad

Rep. by its Authorised Person Ajay Chauhan, S/o. P.G. Chauhan, aged 50 years, Occupation Business, R/o. Plot No.130, Nethaji Nagar, Sainikpuri, Kapra, Secunderabad

...Appellant / Plaintiff

AND

1. Shanker Naik, S/o. Not Known to Plaintiff, Aged about 35 yrs, Occ. Business, R/o. H.No. 6-139, Singam Cheruvu Tanda, Behind Telephone Exchange, Nacharam Village, Uppal Mandal, Ranga Reddy Dist-76
2. Ramnaik, S/o. Not Known to Plaintiff, Aged about 37 yrs, Occ. Business, R/o. H.No. 6-135, Singam Cheruvu Tanda, Behind Telephone Exchange, Nacharam Village,Uppal Mandal, Ranga Reddy Dist-76
3. Gopal Naik, S/o. Not Known to Plaintiff, Aged about 40 yrs, Occ. Business, R/o. H.No. 6-136, Singam Cheruvu Tanda, Behind Telephone Exchange, Nacharam Village, Uppal Mandal, Ranga Reddy Dist-76
4. Peer Naik, S/o. Not Known to Plaintiff, Aged about 40 yrs, Occ. Business, R/o. H.No. 6-137, Singam Cheruvu Tanda, Behind Telephone Exchange, Nacharam Village, Uppal Mandal, Ranga Reddy Dist-76
5. Ramulu Naik, S/o. Not Known to Plaintiff, Aged about 45 yrs, Occ. Business, R/o. H.No. 6-138, Singam Cheruvu Tanda, Behind Telephone Exchange, Nacharam Village. Uppal Mandal, Ranga Reddy Dist-76

...Respondents / Defendants

IA NO: 5 OF 2023

Petition under Order 23 Rule 3 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to record the compromise by set aside the Judgment and Decree dated 31-10-2022 passed in O.S. No. 102 of 2013 on the file of the Principal District and Sessions Judge's Court, Medchal Malkajgiri District at Malkajgiri, by allowing the appeal as compromise.

Counsel for the Appellant : **Sri P Raghavendra Rao**

Counsel for the Respondent No 1 & 4 : **Sri VSRMV Prasad Sanaka**

The Court delivered the following Common Judgment :

THE HON'BLE SMT JUSTICE P. SREE SUDHA

I.A.No.5 OF 2023
IN/AND
APPEAL SUIT No.227 OF 2023

COMMON JUDGMENT:

This appeal is filed by the appellant-plaintiff in the appeal aggrieved by the judgment and decree dated 31.10.2022 passed in O.S.No.102 of 2013 in the Court of Principal District and Sessions Judge, Medchal-Malkajgiri District at Malkajgiri.

2. A suit in O.S.No.102 of 2013 is filed for permanent injunction against the respondents-defendants or any person claiming through them from interfering with their peaceful possession and enjoyment of the plaint schedule property was dismissed with costs on 31.10.2022 and aggrieved by the said judgment plaintiff in the suit filed this appeal.

3. During the pendency of the Appeal Suit, I.A.No.5 of 2023 is filed on 06.11.2023 by the plaintiff in the appeal stating that there is compromise between appellant-plaintiff and respondent No.4-defendant No.4.

4. The parties in the compromise appeared before the Court and stated that they have knowledge about the contents of the compromise and voluntarily entered into

memorandum of compromise. Therefore, this Court finds that it is just and reasonable to allow this appeal as per the terms of compromise entered between both the parties. However, learned counsel for the appellant intended to withdraw the appeal against respondent Nos.2, 3 and 5 and therefore appeal against respondent Nos.2, 3 and 5 is dismissed as withdrawn.

5. In the result, I.A.No.5 of 2023 is ordered. Consequently, the Appeal Suit is disposed of in terms of compromise. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal District Judge, Medchal Malkajgiri District, at Malkajgiri (with records, if any)
2. One CC to Sri P Raghavendra Rao, Advocate [OPUC]
3. One CC to Sri VSRMV Prasad Sanaka, Advocate [OPUC]
4. Two CD Copies

[Along with the Copy of the Memorandum of Compromise]

VA/gh





HIGH COURT

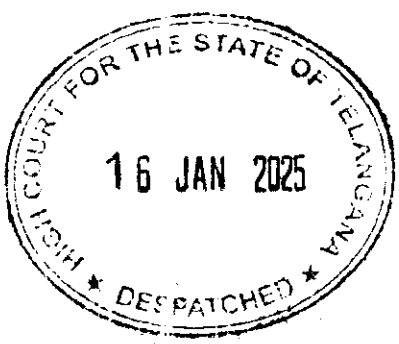
DATED:29/11/2024

COMMON JUDGMENT + COMPROMISE DECREE

I.A.No.5 of 2023

in / and

AS.No.227 of 2023



ORDERING THE I.A. AND

DISPOSING OF THE APPEAL

IN TERMS OF COMPROMISE

(6)
30/12/24

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

AS. No. 227 OF 2023

M/s. Shathakarni Real estate's private Limited,
Registered under companies act 1956, having
Registered office at 7th Floor Minarva complex,
No. 94, S.D Road, Secunderabad, Rep. by its
Authorized Person Ajay Chauhan S/o P.G. Chauhan
Aged about 50 Years, Occ: Business, R/o.
Plot No. 30, Nethaji Nagar, Sainikpuri,
Kapra, Secunderabad. ..... Appellant/ Plaintiff

AND

1. B.Shanker Nayak, S/o.B. Bimula Nayak Late
Aged About 63 Years, Occ: Business,
R/O H.No. 6-139, Singam Cheruvu Tanda,
Behind Teleohone Exchange, Nacharam Village,
Uppal Mandal, Ranga Reddy Dist- 76

Respondent No.1/
.... Defendant No. 1.

2. K.Peeru Naik S/o K.Bhimla Nayak
Aged about 47 Years, Occ: Business,
R/o: H.No.4-6-109/1, Singam Cheruvu Tanda,
Behind Teleohone Exchange, Nacharam Village,
Uppal Mandal, Ranga Reddy Dist- 76.

Respondent No.4/
.... Defendant No.4

The Appellant/ Plaintiff filed the above appeal suit aggrieved by the Judgment and Decree Dated 31-10-2022 Passed in O.S No. 102 of 2013 on the file of Principal District and sessions Judge Court Medchal Malkajgiri District, at, Malkajgiri and during the Pendency of the Appeal both parties arrived compromise and reduced the mutually agreed terms in to writing hereunder.

For Shaliyahana Mines (Pvt.) Ltd.
Director

...2.....

MEMORANDUM OF COMPROMISE

This Memorandum of Compromise is made and executed on this the____ day of August, 2023 at Hyderabad by and between:

Terms of compromise:

1. The Respondent/Defendant No. 1 & 4 are hereby settled the dispute amicably with the Plaintiff.

2. The Respondent/ Defendant No. 1 & 4 hereafter and hereon words, will not interfere in to the Plaintiff possession and enjoyment over the suit schedule of property and will not cause any interference, either from them or their henchmen, agents or any other persons claiming through them.

3. The Respondent/defendant No. 1 & 4 here by declares that they have no right title interest over the suit schedule property and admits the Title and Ownership of the Plaintiff over the suit schedule of property.

4. The Respondent/Defendant No. 1 & 4 hereby assures the Appellants/ Plaintiff that they or their henchman or any other person claiming them, will not create Nuisance at the Suit schedule property.

5. The Respondent/Defendant No. 1 & 4 hereby assures the Plaintiff that they will cooperate with Appellants/ Plaintiffs in constructing compound wall around the suit schedule property. The appellant will not interfere or claim rights over the existing graveyard.

For Shalivahana Mines (Pvt.) Ltd.

Director

Both parties to this compromise have affixed their signature with their free will and consent in the presence of their respective counsels on record on the afore said date and year.

For Shaivanana Mines (Pvt.) Ltd.

Director

Appellant/ Plaintiff

Respondent/Defendant No.1

Counsel for Appellant/ Plaintiff

Respondent/Defendant No.4

Counsel for Respondent/Defendants 1 & 4

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Between:

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Rep. by its Authorised Person Ajay Chauhan, S/o. P.G. Chauhan, aged 50 years, Occupation Business, R/o. Plot No.130, Nethaji Nagar, Sainikpuri, Kapra, Secunderabad

...Appellant / Plaintiff

AND

1. Shanker Naik, S/o. Not Known to Plaintiff, Aged about 35 yrs, Occ. Business, R/o. H.No. 6-139, Singam Cheruvu Tanda, Behind Telephone Exchange, Nacharam Village, Uppal Mandal, Ranga Reddy Dist-76
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...Respondents / Defendants

Appeal under Section 96 and Order 41 of CPC against the Judgment and Decree dated 31.10.2022 made in O.S. No. 102 of 2013 on the file of the Court of the Principal District Judge, Medchal Malkajgiri District, at Malkajgiri.

I.A.NO. 5 Of 2023

Petition under Order 23 Rule 3 of CPC praying that the High Court may be pleased to pass a decree in terms of the Memorandum of Compromise filed therewith as between the Appellant/Plaintiff and Respondent/Defendant No. 1 & Respondent/Defendant No.4 in the said I.A. No. 5 of 2023 on the file of the High Court.

The appeal and I.A coming this day for orders as to settlement in the presence of Sri P Raghavendra Rao, Advocate for the Appellant and of Sri VSRMV Prasad Sanaka, Advocate for the Respondent No. 1 & 4, Appellant and Respondent No. 1 & 4 through their respective advocates having filed in I.A.No. 5 of 2024 requesting the court to pass a decree in terms the memorandum of compromise entered into between them and upon perusing the grounds appeal, judgment and decree of the Lower court and the memo of compromise purporting to have been signed by the parties and their Advocates and filed with said I.A.No. 5 of 2024 and it appearing from the said memorandum of compromise that the parties herein have entered into compromise and settled the matter out of court in terms memorandum of compromise filed herein.

This Court Doth Record the terms of the said memorandum of compromise in original whereof is filed in the said I.A.No. 5 of 2024 and a copy whereof is annexed hereto and DOTH in terms of the said memorandum of compromise declare ORDER and DECREE as follows:

1. That the Appeal Suit be and hereby is disposed of in terms of Compromise;
2. That the Respondent/Defendant No. 1 & 4 are hereby settled the dispute amicably with the Plaintiff;
3. That the Respondent/Defendant No. 1 & 4 hereafter and hereon words, will not interfere in to the Plaintiff possession and enjoyment over the suit schedule of property and will not cause any interference, either from them or their henchmen, agents or any other persons claiming through them.
4. That the Respondent/Defendant No. 1 & 4 hereby declares that they have no right title interest over the suit schedule property and admits the Title and Ownership of the Plaintiff over the suit schedule of property;

5. That the Respondent/Defendant No. 1 & 4 hereby assures the Appellants/Plaintiff that they or their henchmen or any other person claiming them, will not create Nuisance at the suit schedule property;
6. That the Respondent/Defendant No. 1 & 4 hereby assures the Plaintiff that they will cooperate with Appellants/Plaintiffs in constructing compound wall around the suit schedule property. The Appellant will not interfere or claim rights over the existing graveyard; and
7. That there shall be no order as to costs in this appeal;

Sd/- K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal District Judge, Medchal Malkajgiri District, at Malkajgiri
2. Two CD Copies

VA

HIGH COURT

DATED:29/11/2024

COMPROMISE DECREE

I.A.No.5 of 2023

in / and

AS.No.227 of 2023

ORDERING THE I.A. AND

DISPOSING OF THE APPEAL

IN TERMS OF COMPROMISE

30/12/24