

THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY

I.A.No.1 OF 2023 IN/AND
A.S.NO.10 OF 2009

COMMON JUDGMENT:

Appellants and respondents are present. Learned counsel for both parties are present and they are identified by their respective counsel.

2. This appeal is filed aggrieved by the judgment and decree dated 17.10.2008 in O.S.No.19 of 2006 passed by the III Additional District and Sessions Judge (Fast Track Court) at Medak.

3. During the pendency of the appeal, both parties have filed I.A.No.01 of 2023 under Order XXIII Rule 3 of the Code of Civil Procedure to record the terms of compromise and dismiss the appeal by confirming the judgment and decree dated 17.10.2008 in O.S.No.19 of 2006 passed by the III Additional District and Sessions Judge (FTC) at Medak. They have also filed joint memorandum of compromise. The same is taken on record.

4. It is stated by both parties in the joint memorandum of compromise that during the pendency of the above appeal, the

matter has been settled amicably between the appellants and respondents on the following terms and conditions:

- i) That in pursuance of the understanding between the parties, the respondents herein paid a sum of Rs.75,00,000/- which includes Rs.17,28,927/- being the balance sale consideration as per the agreement of sale dated 09.11.2005 together with interest from the date of agreement which is agreed by the appellants and the appellants acknowledged the receipt of above said amount towards full and final settlement of all their claims and the appellants have no further claims in respect of suit A and B Schedule properties.
- ii) That in view of the receipt of the above amount, the appellants have agreed to execute a registered sale deed in favour of the respondents or their nominees in respect of suit schedule A and B properties and shall deliver the vacant physical possession within two months from this day and further agreed to handover the original title deeds and link documents.
- iii) The appellants shall not claim any further amounts from the respondents apart from the amount referred above.

iv) The appellants shall cooperate with the respondents in executing a registered sale deed in favour of the respondents or their nominees in respect of the suit properties and shall also cooperate for the mutation of the names of the respondents in the revenue records by signing such applications affidavits as required.

v) The parties herein agreed to complete the above process within a period of two months from today.

vi) The appellants hereby confirm that they, their legal heirs and any other agents claiming through the appellants herein shall not have any right, title, interest or claim in the suit properties.

vii) In view of the above compromise the judgment and decree dated 17.10.2008 passed in O.S.No.19 of 2006 by the III Additional District and Sessions Judge (FTC) at Medak will prevail and shall be binding on all the parties hereto.

viii) The appellants herein shall be defending and contesting both the suits filed by the third parties i.e. O.S.No.10 of 2020 and O.S.No.10 of 2022 both are pending on the file of Principal District

and Sessions Judge and all the expenses arising out of the said suits shall be borne by the appellants herein.

5. In view of the settlement of the dispute between the parties amicably outside the Court in terms of the compromise arrived at between them, I.A.No.01 of 2023 is ordered. Consequently, the Appeal is dismissed, in terms of the joint memorandum of compromise, which shall form part of the record. There shall be no order as to costs.

6. Miscellaneous applications, if any pending, shall stand closed.

JUSTICE A.SANTHOSH REDDY

Date: 04.05.2023
ns

Note:
C.C. by tomorrow
b/o.
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