

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

**I.A.No.1 of 2019
IN/AND
APPEAL SUIT No.1451 of 2018**

COMMON ORDER :

Pending disposal of the appeal maintained by the defendant No.2 as appellant against the plaintiff as respondent No.1 and defendant Nos.1 and 3 to 7 as respondent Nos.2 to 7, impugning the trial Court's decree and judgment in O.S.No.20 of 2010, dated 07.09.2016 in the operative portion of the judgment at para 25 held of the suit decreed with costs in favour of the plaintiff against the defendant Nos.2 to 7 declaring the title of plaintiff for an extent of Ac.2.07 gts. out of the plaintiff schedule property and sale deed-Ex.A.3 in the name of defendant No.2 cancelled in directing the defendants to deliver possession of the plaintiff schedule property of Ac.2.07 gts. to the plaintiff within three months and the decree schedule shows as if an extent of Ac.2.29 gts. with different boundaries for the self same Sy.No.1441/aa in the plaint it is mentioned the extent Ac.3.27 gts., leave about said discrepancy to the operative portion of the decree and judgment and the plaint with three extents for the same survey number if at all to seek amendment by the parties by approaching the trial Court, the respondents 2 to 7 endorsed as not pressed in the present appeal filed by the 2nd defendant for they are the defendant Nos.1 and 3 to 7 besides plaintiff, having obtained interim stay of trial Court's decree and judgment from this Court in I.A.No.2 of 2018, dated 21.01.2019, the parties now present before the Court that is the

plaintiff/1st respondent and 2nd defendant/appellant with application under Order XXIII Rule 3 C.P.C. in I.A.No.1 of 2019 seeking to record compromise arrived by them.

2. As per compromise terms enclosed to the application by enclosing a plan with boundaries showing in Red mark and Green mark respectively for total Ac.0.22 gts. each, equal Ac.0.11 gts., for the eastern half and western half respectively equally by showing eastern half belongs to the 2nd defendant/appellant and western half belongs to the 1st respondent/plaintiff to record a compromise to that effect and when they present and explained the same, they stated that it is voluntarily arrived without prejudice to the rights of the plaintiff against other defendants, which is subject matter of another appeal stated pending without furnishing any number or the Court, thereby without prejudice rights of the non parties to the appeal being parties to the suit, the compromise is recorded in disposal of the appeal in terms of the compromise.

3. Accordingly, I.A.No.1 of 2019 is allowed and the appeal is disposed of in terms of the compromise.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

29th March 2019

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Dr. B. SIVA SANKARA RAO, J