

(2012) 08 KAR CK 0050

In the Karnataka High Court

Case No : Regular Second Appeal No. 117 of 2009

Mr. A. Syed Mastan

APPELLANT

Vs

Mr. A Syed Mahaboob and Mr. Mustak Ahmed

RESPONDENT

Date of Decision : 01-08-2012

Acts Referred:

Citation : (2012) 08 KAR CK 0050

Hon'ble Judges : C.R. Kumaraswamy, J

Bench : Single Bench

Advocate : Sriyuths S. Syed Basha and K. Ananda, for the Appellant; V.M. Lakshmipathi, Advocate for R1 and 2, for the Respondent

Judgement

C.R. Kumaraswamy, J.—Learned counsel for appellants submit that he has filed a memo dated 17.07.2012 mentioning that this Regular Second Appeal is settled out of the Court. The memo reads as under:

The appellants most humbly submit that, the appellants have challenged the judgment and decree passed in O.S. No. 1784/2006 (Old No. O.S. No. 765/2004) and R.A. No. 94/2007 in the above appeal. During the pendency of the appeal, in view of the intervention of elders, friend and well wishers, the parties in the above appeal have amicably settled their disputes and accordingly, the 2nd respondent executed Absolute Sale Deed in favour of Appellant No. 1(e) i.e. Syed Yaseen on 2.7.2011 in respect of the suit schedule property and hence, the appellants may be permitted to withdraw the above appeal as it is settled out of the court, in the interest of justice and equity.

Learned Counsel for the appellants is permitted to withdraw the above appeal as it is settled out of the Court.

2. At this stage, the learned counsel for appellants submits that the entire Court fee may be refunded. Since the matter is settled out of the Court and this Regular Second Appeal is not yet admitted, in that view of the matter, Registry is directed to refund the entire Court fee.