



**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH
DATED THIS THE 9TH DAY OF DECEMBER, 2024
PRESENT
THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR
AND
THE HON'BLE MR. JUSTICE T. G. SHIVASHANKARE GOWDA
REGULAR FIRST APPEAL NO. 100091 OF 2024 (SP)**

BETWEEN:

1. SHRI. KEMPANNA S/O. BABU KUMBAR
AGE. 53 YEARS, OCC. AGRICULTURE,
R/O. BELAVI-591309,
TAL. HUKKERI, DIST. BELAGAVI.
2. SHRI. SHRIPAL S/O. SATTEPPA KAMATE
AGE. 51 YEARS, OCC. AGRICULTURE,
R/O. BELAVI-591309,
TAL. HUKKERI, DIST. BELAGAVI.
3. SMT. DEEPA
W/O. DUNDAPPA HONAMANE @ GHANAGER
AGE. 48 YEARS, OCC. HOUSEHOLD WORK,
R/O. BELAVI-591309,
TAL. HUKKERI, DIST. BELAGAVI.
4. SHRI. APPASAHEB S/O. MAYAPPA SARAPURE
AGE. 57 YEARS, OCC. AGRICULTURE,
R/O. BELAVI-591309,
TAL. HUKKERI, DIST. BELAGAVI.

...APPELLANTS

(BY SMT. SURABHI KULKARNI, ADVOCATE)

AND:

1. SHRI. IRAFANAHMAD S/O. ABDULSATTAR ATTAR
AGE. 42 YEARS,
OCC. AGRICULTURE / BUSINESS,



R/O. HUKKERI-591309
TAL. HUKKERI, DIST. BELAGAVI.

2. SHRI. SHIVAGOUDA S/O. SHANKARGOUDA PATIL
AGE. 40 YEARS, OCC. AGRICULTURE,
R/O. JOND GALLI,
HUKKERI, TAL. HUKKERI,
DIST. BELAGAVI-591309.

...RESPONDENTS

(BY SRI. S.M. TONNE, ADVOCATE FOR R1;
NOTICE TO R2 SERVED)

THIS RFA IS FILED UNDER SEC. 96 READ WITH ORDER 41
RULE 1 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED
08.11.2023 PASSED IN O.S.NO.127/2018 ON THE FILE OF THE
SENIOR CIVIL JUDGE HUKKERI, DECREED THE SUIT FILED FOR
SPECIFIC PERFORMANCE OF CONTRACT.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER;

CORAM: THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR
AND
THE HON'BLE MR. JUSTICE T. G. SHIVASHANKARE GOWDA

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE T. G. SHIVASHANKARE GOWDA)

Appellants No.1 to 4/defendants No.2 to 5 are
present before the Court along with their learned
Advocates. Respondent No.1/plaintiff is present before
the Court along with his learned Advocate. They have
been identified by their respective Advocates. Respondent
No.2/defendant No.1 is served with the appeal notice but



he has remained absent. For recording compromise between appellants and first respondent, his presence is not necessary.

2. Appellants and the first respondent have filed compromise petition under Order XXIII Rule 3 read with Section 151 of CPC, narrating the facts of the case and the property purchased by the appellants from respondent No.2/defendant No.1. Now the appellants have agreed to pay the amount proportionate to the value of the property shown in the agreement dated 05.05.2015 which they purchased from the respondent No.2/defendant No.1 after the agreement dated 05.05.2015 came into being. They have also agreed to pay interest at 12% per annum from 05.05.2015 till 10.03.2025. Calculation works out to Rs.31,05,363/-. The respondent No.1/plaintiff is at liberty to proceed to obtain the sale deed for remaining 26 guntas as per the judgment and decree passed in O.S.No.127/2018 dated 08.11.2023 which is put in



execution in E.P.No.8/2024 on the file of Senior Civil Judge, Hukkeri.

3. The terms of the compromise are read over both to the appellants and first respondent, they admitted the terms of settlement and the same is voluntary and legal. Hence, the compromise petition is accepted. The appeal is disposed of, in terms of the compromise petition.

4. In case the appellants fail to pay Rs.31,05,363/- on or before 10.03.2025, the respondent No.1/plaintiff is at liberty to recover the same by proceeding against the property that the appellants have purchased from the respondent No.2/defendant No.1 with interest at 12% per annum, from 10.03.2025 till its realization.

5. The judgment and decree of the Trial Court is modified accordingly and in terms of the compromise petition.



6. Refund of Court fee is permitted in accordance with law.

7. Pending Interlocutory Applications do not survive for consideration and the same are disposed of.

Sd/-
(SREENIVAS HARISH KUMAR)
JUDGE

Sd/-
(T. G. SHIVASHANKARE GOWDA)
JUDGE

NAA
List No.: 1 SI No.: 20