



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE T.G. SHIVASHANKARE GOWDA

REGULAR SECOND APPEAL NO. 2301 OF 2008 (DEC/INJ)

BETWEEN:

1. K PILLAPPA
SINCE DEAD REP. BY LRS.
- 1(a) SMT. RATHNAMMA
W/O LATE K. PILLAPPA
SINCE DEAD REP. BY HER LRS.
APPELLANTS NO.1(c) TO 1(h)
- 1(b) SRI.CHANDRAPPA
S/O LATE K.PILLAPPA
SINCE DEAD REP. BY HIS LRS.
- 1(b1) SMT. ARUNA
W/O LATE CHANDRAPPA
AGED ABOUT 48 YEARS
- 1(b2) MANOJ KUMAR C.C.
S/O LATE CHANDRAPPA
AGED ABOUT 28 YEARS
- 1(b3) MEGHANA C.
D/O LATE CHANDRAPPA
AGED ABOUT 24 YEARS

ALL ARE R/O AREHALLI VILLAGE
NELVAGILU POST
NANDAGUDI HOBLI
HOSKOTE TALUK - 562 122
BENGALURU RURAL DIST.
- 1(c) SMT. SUMITRAMMA
D/O LATE PILLAPPA
W/O SRINIVASA
AGED ABOUT 50 YEARS
GADDE KANNUR VILLAGE
R/O TAMAKA POST

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K N
Location: HIGH COURT
OF KARNATAKA





KASABA HOBLI
KOLAR TALUK - 563 122

- 1(d) SMT. SARASWATHI
D/O LATE PILLAPPA
W/O MANJUNATHA
AGED ABOUT 47 YEARS
R/O AREHALLI VILLAGE
NELAVAGILU POST
NANDAGUDI HOBLI
HOSKOTE TALUK - 562 122
BENGALURU RURAL DIST.
- 1(e) SMT. MANJULA
D/O LATE PILLAPPA
AGED ABOUT 45 YEARS
R/O AREHALLI VILLAGE
NELAVAGILU POST
NANDAGUDI HOBLI
HOSKOTE TALUK - 562 122
- 1(f) SMT. SHANTHA BAVANI
AGED ABOUT 42 YEARS
D/O LATE K.PILLAPPA
W/O NARAYANASWAMY
BYLAHALLI VILLAGE
KAMADHENAHALLI POST
KASABA HOBLI
KOLAR TALUK - 563 101
- 1(g) SRI.SRINIVASA
S/O LATE K. PILLAPPA
AGED ABOUT 40 YEARS
AREHALLI VILLAGE
NELAVAGILU POST
NANDAGUDI HOBLI
HOSKOTE TALUK - 562 122
BENGALURU RURAL DIST.
- 1(h) PRAKASH
S/O LATE K.PILLAPPA
AGED ABOUT 35 YEARS
AREHALLI VILLAGE
NANDAGUDI HOBLI
NELAVAGILU POST
HOSKOTE TALUK
BENGALURU RURAL DIST.



2. CHIKKABYRAPPA
SINCE DEAD REP. BY HIS LRS.
- 2(a) SMT.PUTTAMMA
W/O LATE CHIKKABYRAPPA
AGED 68 YEARS
AREHALLI VILLAGE
NANDAGUDI HOBLI
NELAVAGILU POST
HOSKOTE TALUK - 562 122
BENGALURU RURAL DIST.
- 2(b) SMT. PUSHPA
D/O LATE CHIKKABYRAPPA
W/O MUNIYAPPA
AGED ABOUT 46 YEARS
GADDEKANNUR VILLAGE
TAMAKA POST
KOLAR TALUK - 563 101
- 2(c) SMT. KUSUMA
D/O LATE CHIKKABYRAPPA
W/O CHANDRASHEKAR
AGED ABOUT 43 YEARS
DOMMASANDRA VILLAGE
PANCHAYAT ROAD
ANEKAL TALUK
BENGALURU RURAL DIST.
- 2(d) SRI.RAMU
S/O LATE CHIKKABYRAPPA
AGED ABOUT 40 YEARS
R/AT AREHALLI VILLAGE
NELAVAGILU POST
NANDAGUDI HOBLI
HOSKOTE TALUK - 562 122
BENGALURU RURAL DIST.
- 2(e) SRI.LAKSHMANA
S/O LATE CHIKKABYRAPPA
AGED ABOUT 40 YEARS
R/O AREHALLI VILLAGE
NELAVAGILU POST
NANDAGUDI HOBLI
HOSKOTE TALUK - 562 122
BENGALURU RURAL DIST.



- 2(f) SRI.BHARATH C.
S/O LATE CHIKKABYRAPPA
AGED ABOUT 36 YEARS
R/O AREHALLI VILLAGE
NELAVAGILU POST
NANDAGUDI HOBLI
HOSKOTE TAL;UK - 562 122
BENGALURU RURAL DIST.
3. NAGARAJ
S/O CHIKKAPILLAPPA
AGED ABOUT 55 YEARS
AREHALLI VILLAGE
NELAVAGILU POST
NANDAGUDI HOBLI
HOSKOTE TALUK - 562 122
BENGALURU RURAL DIST.
4. SRI. DODDABYRAPPA
S/O DODDAPILLAPPA
AGED ABOUT 72 YEARS
5. SRI. NARAYANASWAMY
S/O DODDAPILLAPPA
AGED ABOUT 69 YEARS
6. SRI. KRISHNAPPA
S/O DODDAPILLAPPA
AGED ABOUT 65 YEARS
7. SRI.VENKATESHAPPA
S/O PILLAPPA (DODDAPILLAPPA)
AGED ABOUT 60 YEARS

APPELLANTS 4 TO 7 ARE R/O AREHALLI
VILLAGE, NANDAGUDI HOBLI
HOSKOTE TALUK - 562 122
BENGALURU RURAL DISTRICT

...APPELLANTS

(BY SRI. RAMAKRISHNA S. HEGDE, ADV. FOR
1(a), 1(b), 1(b1), 1(b2), 1(b3), 1(c), 1(d)
TO 1(h), 2(a) TO 2(f), 3, 4 TO 7)

AND:

1. RADHAMMA
AGED ABOUT 58 YEARS



W/O ANJINAPPA

2. ASHOK
AGED ABOUT 33 YEARS
S/O ANJINAPPA

RESPONDENT 1 AND 2 ARE
R/O AREHALLI, NANDAGUDI HOBLI
HOSAKOTE TALUK, BANGALORE
RURAL DISTRICT

...RESPONDENTS

(BY SRI. R S PRASANNA KUMAR., ADV.)

THIS RSA IS FILED UNDER SECTION 100 OF CPC AGAINST THE JUDGEMENT & DECREE DATED 20.9.08 PASSED IN R.A.NO 140/06 ON THE FILE OF THE II ADDL. DISTRICT & SESSIONS JUDGE, KOLAR, ALLOWING THE APPEAL AND SETTING ASIDE THE JUDGEMENT AND DECREE DATED 10/6/05 PASSED IN OS 74/2000 ON THE FILE OF THE ADDL. CIVIL JUDGE, (JR.DN), KOLAR.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE T.G. SHIVASHANKARE GOWDA

ORAL JUDGMENT

This appeal is filed by the legal representatives of the defendant No.1 to 3 in O.S.No.74/2000 on the file of Additional Civil Judge (Jr.Dn.), Kolar and the respondents herein are the plaintiffs.

2. The plaintiffs have filed the suit against the defendants seeking declaration of title and permanent injunction. After trial of the suit, it came to be dismissed as per the judgment dated 10.06.2005.



3. Against the said judgment, the plaintiffs have filed the appeal in R.A.No.140/2006 before the II Additional District and Sessions Judge, Kolar. The Appellate Court vide order dated 20.09.2008 set aside the judgment of the Trial Court and decreed the suit in favour of the plaintiffs, restraining the defendants from interfering with plaintiffs' possession and enjoyment of suit properties.

4. Aggrieved by the same the legal representatives of the defendants have filed this appeal.

5. During pendency of the appeal, the parties have settled the matter.

6. Appellant No.1-K.Pillappa is dead represented by his wife-Smt.Rathnamma-appellant No.1(a), one of the sons viz., Chandrappa-appellant No.1(b) are reported to be dead and other legal representatives are on record. Appellant No.1(b1) Smt.Aruna, appellant No.1(b3)-Smt.Meghana C., appellant No.1(c)-Smt.Sumitramma, appellant No.1(d)-Smt.Saraswathi, appellant No.1(e)-



Smt.Manjula, appellant No.1(f)-Smt.Shantha Bavani, appellant No.1(g)- Sri.Srinivasa and appellant No.1(h)- Sri.Prakash are present before the Court.

7. Appellant No.1(b2)-Sri.Manojkumar C., is residing in New Zealand and he has executed a General Power of Attorney (for short, 'GPA') in favour of his mother-Smt.Aruna, appellant No.1(b1) and she is representing him. Copy of GPA is made available and original GPA is produced for perusal and both were perused.

8. Appellant No.2-Chikkabyrappa is dead represented by his legal representatives. Appellant No.2(a)-Smt.Puttamma, appellant No.2(b)-Smt.Pushpa, appellant No.2(c)-Smt.Kusuma, appellant No.2(e)- Sri.Lakshmana, appellant No.2(f)-Sri.Bharath.C., appellant Nos.3-Sri.Nagaraja, appellant No.4- Sri.Dodabyrappa, appellant No.5-Sri.Narayanaswamy, appellant No.6-Sri.Krishnappa, appellant No.7- Sri.Venkateshappa are present before the Court. Appellant No.2(d)-Ramu is not present. It is reported



that he has met with an accident and suffered head injuries, he is in coma, unmarried and he is under the care and custody of his mother appellant No.2(a)- Smt.Puttamma. Respondent No.1-Smt.Radhamma and respondent No.2-Ashoka A and their respective advocates are present before the Court. Parties are identified by their respective advocates.

9. The joint compromise petition dated 20.01.2025 filed under Order XXIII Rule 3 of the Code of Civil Procedure, 1908, reads as follows:-

"The appellants and respondents submits as under:

1. The respondents in this appeal filed O.S No.74/2000 against the appellants K. Pillappa, Chikkabyrappa and Nagaraj seeking for the relief of judgement and decree for declaration that the plaintiffs are the owners of the suit schedule property and also for permanent injunction against the defendant. The Additional Civil Judge (Jr.Dn.) Kolar dismissed the original suit is O.S No. 74/2000 by judgement and decree dated 10.06.2005. Being aggrieved by the same, plaintiffs filed RA No.140/2006. The II Addl. District and Sessions Judge Kolar has allowed R.A No. 140/2006 by judgment and decree dated 20.09.2008 setting aside the judgment and decree dated 10.06.2005 in O.S 74/2000 declaring that the respondents herein are the owners of the suit schedule properties and restrained these appellants from interfering with the possessions and enjoyment of the plaintiffs' with respect to the suit schedule property. Being aggrieved by the judgment and decree dated 20.09.2008



passed by the II Addl. District and Sessions Judge Kolar in R.A. No. 140/2006, the appellants filed this Regular Second Appeal.

2. During the pendency of this appeal before this Hon'ble Court, the appellant No. 1 and 2 died and their children are brought on record in this appeal as appellant No. 1(a) to 1(h) and Appellant No. 2(a) to (f). The Appellant No. 1(b) Sri. Chandrappa died and his LRs. of Sri Chandrappa are brought on record as Appellant (b1), (b2) (b3).

3. It is submitted the Respondent No. 2 Sri. Ashok filed R.A No. 21/2003-04 before the Assistant Commissioner Kolar challenging the order in RRT CR 97/1999-2000 with respect to the schedule properties Item No. 1 to 6. The said appeal was allowed by the Assistant Commissioner Kolar by order dated 26.02.2011 and remanded the matter to the Tahsildar for fresh consideration and being the said order, original appellants in this appeal had challenged the same before the Deputy Commissioner Kolar in RA No. 83/2011-12 and the deputy Commissioner Kolar dismissed R.A No.83/2011-12. In the meanwhile, Venkateshappa S/o. Doddapillappa filed O.S No. 217/2010 for partition against K Pillappa, Doddabyrappa, Sri.Narayanaswamy, Krishnappa, Chikkabyrappa and Nagaraja with respect to the suit schedule item No. 1 to 6 of the properties and the said suit was ended in compromise petition. On the basis of the said compromise decree dated 09.03.2015 the revenue entries were registered with respect Sy. No. 71 measuring 1 acre 10 guntas and Sy. No. 72 measuring 1 acre 7 guntas, Sy. 67/2 measuring 25 guntas and Sy. 68, measuring 1 acre 16 guntas and the said mutation entry was challenged by the respondent No. 2 Mr. Ashok before the Assistant Commissioner Kolar in RA 53/2024, RA 518/2017-18, RA 519/2017-18, RA 520/2017-18 which are still pending.

4. Due to intervention of the elders and family relatives of the parties to the proceedings, the appellants and respondents arrived at settlement to solve the dispute between them by way of this compromise petition under the following agreed terms and conditions.



5. *The Respondent No. 2 agrees to withdraw the RA 53/2024, RA 518/2017-18, RA 519/2017-18. RA 520/2017-18 pending before the Assistant Commissioner Kolar Sub-division.*
6. *The item No. 3 of the schedule property Sy. No. 71, measuring 1 acre 12 guntas, 0.2 guntas Kharab situated at Balanagenahalli village, Vemagal, Hobli, Kolar Taluk go to the respondent 1 Smt. Radhamma and Respondent No. 2 Ashoka A and hence the respondents are entitled to possess and enjoy the item No. 3 of the suit schedule properties jointly.*
7. *Item No. 1 of the schedule property Sy. No. 69, measuring 1 acre, situated at Balanagenahalli Vemagal Hobli, Kolar Taluk shall go to the respondent No. 1 Smt Radhamma and Respondent No. 2 Ashoka A jointly.*
8. *The appellant No. 2(a) Puttamma, 2(b) Smt. Pushpa, 2(c) Smt. Kusuma, 2(e) Sri.Lakshmana C, 2 (f) Bharath C are entitled to the land measuring 20 guntas out of 1 acre 5 guntas in item No. 2 Sy. No.70, and remaining land measuring 25 guntas out of 1 acre 5 guntas in item No. 2 Sy. No.70 shall go to appellant No. 3 Sri. Nagaraja C, S/o. Late Chikkapillappa. The appellant No. 2(d) Ramu is in coma stage due the head injury caused in an road accident dated 11.02.2022 and Appellant 2(a) is mother and Appellant 2(b) and (c) are his sisters and 2(e) and (f) are his brothers.*
9. *The item No. 4 Sy. No. 72, measuring 1 acre 14 guntas, 7 guntas Kharab situated at Balanagenahalli Village, Vemagal Hobli, Kolar Taluk shall go to Appellant No. 1(b1) Smt. Aruna, 1(b2) Manoj Kumar, 1(b3) Meghana C, 1(c) Smt.Sumithramma, 1(d) Smt. Saraswathi, 1(e) Smt Manjula, 1(f) Shantha Bhavani, 1(g) Sri. Srinivasa, 1(h) Prakash and appellant No. 4 Doddabyrappa, appellant No.5 Narayanaswamy, appellant No. 6 Krishnappa and appellant No.7 Venkateshappa, jointly.*
10. *The item No. 5, Sy. No. 67/2, measuring 25 guntas, situated at Balanagenahalli village, Vemagal Hobli, Kolar Taluk shall go to the share of Appellant No. 1(b1) Smt. Aruna, 1(b2)*



Manoj Kumar, 1(b3) Meghana C, 1(c) Smt. Sumithramma, 1(d) Smt. Saraswathi, 1(e) Smt Manjula, 1(f) Smt. Shantha Bhavani, 1(g) Sri. Srinivasa, 1(h) Sri. Prakash who are coming under the branch of original appellant No. 1 late K Pillappa.

11. Item No. 6 of the suit schedule properties Sy. No. 68, measuring 1 acre 16 guntas, situated at Balanagenahalli village, Vemagal Hobli, Kolar Taluk shall go to the share of appellant No. 7 Sri.Venkateshappa S/o. Pillappa (Doddapillappa).

12. It is submitted that the appellants and respondents mutually agreed that there shall be 10 feet road in the eastern side of the Sy. No. 68, 69, 70, 71 up to 72, from south to north direction for the use and enjoyment of the same road to ingress and egress for ever for parties to the proceedings.

13. This compromise is entered and agreed by the appellants and respondents with free consent and without any pressure.

14. It is agreed by all parties to the compromise to cooperate for changing Khatha/revenue entries with respect to schedule properties as per this compromise petition.

WHEREFORE, it is prayed that this Hon'ble Court may be pleased, allow the compromise petition and to draw the Decree in terms of the above compromise, in the interest of justice and equity.

SCHEDULE PROPERTIES

1. Sy. No. 69, measuring 1 acre, assessed at 1.88, situated at Balanagenahalli Vemagal village, Hobli, Kolar Taluk bound on

*East By: 10 feet road, channel and Katte.
West by : property of Nagaraj with Dalasagare Gadi.
North by : Sy. No. 70.
South by : Sy. No. 68.*

2. Sy. No. 70, measuring 1 acre 5 guntas assessed at 2.12, situated at Balanagenahalli Village, Vegal, Hobli, Kolar Taluk.

Appellant 2(a) to 2(f) are entitled to 20 gunts out of total 1 acre 5 guntas bound by East : 10 feet road, channel and Katte.



West : Property of Nagaraj and Dalasagare Gadi.
North : Property Sy. No. 71.
South : property of appellant No. 3 Nagaraj in the same Sy. No. 70.

Appellant No.3 is entitled to 25 guntas out of total 1 acre 5 guntas bound by

East: 10 feet road, channel and Katte.
West :Property of Nagaraj and Dalasagare Gadi.
North: property of appellant No. 2(a) to 2(f) measuring 20 guntas in the same Sy. No. 70.
South: property Sy. No. 69.

3. Sy. No. 71, measuring 1 acre 12 guntas, 2 guntas Kharab assessed at 2.35, situated at Balanagenahalli Vemagal village, Hobli, Kolar Taluk bounded on the

East: 10 feet Road Channel and Katte.
West : property of Nagaraj and Dalasagere Boundary.
North: Sy. No. 72
South : Sy. 70.

4. Sy. No. 72, measuring 1 acre 14 guntas, 7 guntas Kharab, assessed at 2.22, situated at Balanagenahalli Village, Vemagal, Hobli, Kolar Taluk bound by;

East : 10 feet road, Channel and Katte.
West : property of Nagaraj and Dalasagere Gadi.
North : Dalasagere Gadi.
South : Sy. No. 71.

5. Sy. No. 67/2, measuring 25 guntas, assessed at 0.97, situated at Balanagenahalli Village, Vemagal, Hobli, Kolar Taluk bound by :

East : Government Road and channel.
West :property of Rajanna and Hoskote Gadi.
North: Sy. No. 67/1.
South : Sy. No. 66.

6. Sy. No. 68, measuring 1 acre 16 guntas, assessed at 2.64, situated at Balanagenahalli Village, Vemagal, Hobli, Kolar Taluk bound by:

East : 10 feet Road, channel and Katte.
West : property of Rajanna and Hoskote Gadi.
North: SY. 69.
South: Property of Munireddappa's sons."



10. Perused the compromise petition. The terms of the compromise is read over to the respective parties regarding allotment of shares to them as described in paras-6 to 11 of the compromise petition. They agreed for the allotment of shares in the respective survey numbers. All the parties also agreed regarding 10 ft. road reserved on eastern portion in Sy.Nos.68, 69, 70, 71 and 72 from south to north direction for ingress and egress of the parties to their respective lands.

11. Today, appellant Nos.4 to 7 are impleaded as one of the branch members of Doddapillappa. Item Nos.5 and 6 of the plaint schedule property are being incorporated for effective adjudication of the compromise.

12. The parties are present before the Court, they have on their own accepted the terms of the settlement and the allotment of their respective share. Respondent No.2 has agreed to withdraw the appeals pending before the learned Assistant Commissioner, Kolar Sub-Division as narrated in para-5 of the compromise petition. Since



the compromise is voluntary, for the benefit of the parties and also appellant No.1(b2) being represented by his mother-appellant No.1(b1), compromise is for the benefit of both parties, there is no collision, coercion or illegality in the compromise. Litigation is resolved between three branches of original propositus Appajappa. As such, there is no impediment for this Court to accept the compromise arrived by the parties. Consequently, the following:

ORDER

- (i) Compromise petition is accepted;
- (ii) Appeal is disposed of, in terms of the compromise petition;
- (iii) Registry shall draw decree incorporating the terms of the compromise petition.

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

MKM
List No.: 1 SI No.: 3