



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 16TH DAY OF FEBRUARY 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

REGULAR FIRST APPEAL NO.100427 OF 2019 (SP)

BETWEEN:

E.S.GANGAPPA S/O. SIDDALINGAPPA,
AGE: 64 YEARS, OCC. BUSINESS,
R/O. 6TH WARD, HAMPI ROAD AREA,
OPP. OLD PVSBC HIGH SCHOOL,
NEAR NEHRU PREMIER SCHOOL,
HOSAPETE, TQ. HOSAPETE, DIST. BALLARI-583201.

...APPELLANT

(BY SRI.PRUTHVIRAJ P. HITTALAMANI, ADVOCATE)

AND:

SRI.CHANDRAKANTH S/O Y. GANAPATHI KAMAT,
AGE: 39 YEARS, OCC. BUSINESS,
R/O. 29TH WARD, M.J. NAGAR,
HOSAPETE, TQ HOSPET, DIST. BALLARI-583201.

...RESPONDENT

(BY SRI.N.R. KUPPELUR, ADVOCATE)

THIS RSA IS FILED UNDER SECTION 96 R/W. ORDER 41 RULE 1 AND 2 OF CPC, PRAYING TO SET ASIDE THE JUDGMENT AND DECREE DATED 28.06.2019 PASSED BY THE ADDL. SENIOR CIVIL JUDGE AND JMFC, HOSAPETE IN O.S.NO.111/2016, BY ALLOWING THIS APPEAL WITH COST THROUGHOUT IN THE INTEREST OF JUSTICE.

THIS APPEAL, COMING ON FOR FINAL HEARING TO REPORT SETTLEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: HON'BLE MRS JUSTICE GEETHA K.B.)

1. This appeal is filed by the defendant against the judgment and decree dated 28.06.2019 passed by learned Additional Senior Civil Judge and JMFC, Hosapete, in O.S. No.111/2016 whereby the trial Court has decreed the suit of the plaintiffs.

2. Learned counsel Sri. Pruthviraj P. Hittalamani for the appellant and the learned counsel Sri. N.R. Kuppelur for the respondent along with their respective parties are present before the Court. Parties are identified by their respective counsels. They file the compromise petition under Order XXII Rule 3 of the Code of Civil Procedure. The terms of the compromise petition reads as under:

TERMS OF COMPROMISE

"1. As per the terms of the amicable settlement between the appellant and the respondent herein, the appellant being the defendant in the original suit, has agreed to pay sum of Rs.90,00,000/- (Ninety



Lakhs only) to the respondent/plaintiff towards full and final settlement of suit claim in OS No.111/2016 on the file of the Additional Senior Civil Judge & JMFC, Hosapete.

2. Both of the parties to the petition submit that, in terms of the above compromise between the appellant and the respondent, the appellant has paid sum Rs.9,95,000/- (Nine Lakhs Ninety Five Thousand only) through DD bearing No.001282 dated 23.01.2026 drawn on Union Bank, Hosapete Branch towards the part payment out of the total agreed amount of Rs.90,00,000/- (Ninety Lakhs only) and the respondent has acknowledged the receipt of Rs.9,95,000/- (Nine Lakhs Ninety Five Thousand only).

3. The defendant/appellant herein has agreed and undertaken to pay the remaining amount of Rs.80,05,000/- (Eighty Lakhs Five Thousand only) to the respondent herein within 05 months from the date of the above compromise dated 16.02.2026 by depositing the remaining amount before the Executing Court in EP No.148/2019 on the file of Additional Senior Civil Judge & JMFC, Hosapete.

4. Further, if the appellant fails to pay the remaining amount of Rs.80,05,000/- (Eighty Lakhs Five Thousand only) to the respondent herein within 05 months from the date of the above compromise dated 16.02.2026, the plaintiff/respondent herein is entitled to get executed the judgment and decree dated 28.06.2019 passed by the Additional Senior Civil Judge & JMFC, Hosapete in OS No.111/2016 in EP No.148/2019 pending on the file of Additional Senior Civil Judge & JMFC, Hosapete.

5. That, further the defendant/appellant herein has agreed not to create any third party rights in respect of the suit property till the repayment of the remaining amount of Rs.80,05,000/- (Eighty Lakhs



Five Thousand only) to the respondent herein within 05 months from the date of the above compromise."

3. On perusal of the compromise petition and submission of both sides, we found that the compromise between parties is voluntary and lawful. The appellant/defendant has agreed to pay the balance amount of Rs.80,05,000/- to the respondent within five months from today and the respondent/plaintiff has agreed to receive the aforesaid balance amount within five months from today, in default of payment, respondent is entitled to execute the judgment and decree of the trial Court. As part of settlement, on 27.01.2026, DD for a sum of Rs.9,95,000/- was handed over to the counsel for the respondent, which is acknowledged by the respondent.

4. In view of the settlement between the parties, we proceed to pass the following:

ORDER

The compromise petition filed under Order XXII Rule 3 of CPC is accepted. The appeal is disposed of in terms of the compromise petition by modifying the judgment and decree



dated 28.06.2019 passed in O.S. No.111/2016 on the file of the Additional Senior Civil Judge and JMFC, Hosapete. Compromise petition shall be part and parcel of the decree.

Draw decree accordingly.

**SD/-
(MOHAMMAD NAWAZ)
JUDGE**

**SD/-
(GEETHA K.B.)
JUDGE**

kmv
CT:PA