



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 12TH DAY OF JANUARY 2026
PRESENT
THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.
REGULAR FIRST APPEAL NO.100594 OF 2019 (PAR/POS)
C/W REGULAR FIRST APPEAL NO.100462 OF 2019

IN RFA NO. 100594/2019
BETWEEN:

1. SRI. VEERANAGOUDA
S/O. SHANKARGOUDA PATIL,

DIED ON 06.03.2025,
APPELLANT NOS.2 AND 3 ARE TREATED AS HIS LRS.
2. SRI. SHANKARGOUDA
S/O. VEERANAGOUDA PATIL,
AGE: 43 YEARS, OCC. AGRICULTURE,
R/O. DEVALAPUR, TQ. BAILHONGAL,
DIST. BELAGAVI.
3. SMT. VIJAYALAXMI
W/O. PRABHUGOUDA PATIL,
AGE: 54 YEARS, OCC. HOUSEHOLD WORK,
R/O. YALLAPUR, TQ. SIRSI,
DIST. UTTARA KANNADA.

...APPELLANTS

(BY SRI. PRAKASH R. BADIGER, ADVOCATE)

AND:

1. SMT. PREMA W/O. GANESH S.P.,
(PREMA D/O. VEERANGOUDA PATIL),
AGE: 49 YEARS, OCC. HOUSEHOLD WORK,
R/O. H.NO.147, "B" BLOCK,
ASHRAYA LAYOUT, BOMANKATTE,

VIJAYALAKSHMI
M KANKUPPI

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VIJAYALAKSHMI M
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NC: 2026:KHC-D:280-DB
RFA No. 100594 of 2019
C/W RFA No. 100462 of 2019

DIST. SHIVAMOGGA-577204.

2. DR. PEETER ANTHONY MEKADO
AGE: 63 YEARS, OCC. BISHOP,
R/O. BISHOP HOUSE, B.C. NO.69,
CAMP, BELAGAVI-590001.

...RESPONDENTS

(BY SRI. SANGRAM S. KULKARNI, ADVOCATE FOR R1;
SRI. CHETAN MUNNOLI, ADVOCATE FOR R2)

THIS RFA IS FILED UNDER SECTION 96 READ WITH ORDER 41
RULE 1 OF CPC., PRAYING TO ALLOW THE APPEAL AND CALL FOR
THE RECORDS AND TO SET ASIDE THE JUDGMENT AND DECREE IN
O.S.NO.64/2014 DATED 23.07.2019 PASSED BY THE LEARNED
SENIOR CIVIL JUDGE, BAILHONGAL AND CONSEQUENTIALLY
DISMISSED THE SUIT FILED BY THE PLAINTIFF AND KINDLY GRANT
OTHER ORDER OR RELIEF WHICH ARE DEEMED FIT IN THE FACTS
AND CIRCUMSTANCES OF THE CASE AWARDED AND ETC.

IN RFA NO. 100462/2019
BETWEEN:

DR. PETER ANTHONY MACHADO,
AGE: 63 YEARS, OCC. BISHOP,
R/O. BISHOPS HOUSE, B.C.NO.69,
CAMP, BELAGAVI.
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER,
SRI. FR. PRAMODH KUMAR,
AGE: 35 YEARS, OCC. PRIEST/ PROCURATOR,
R/O. B.C.NO.69, BISHOP'S HOUSE, CAMP, BELAGAVI.

...APPELLANT

(BY SRI. CHETAN MUNNOLLI, ADVOCATE)

AND:

1. SMT. PREMA W/O. GANESH S.P,
(PREMA D/O. VEERANAGOUDA PATIL),
AGE: 49 YEARS, OCC. HOUSEHOLD WORK,
R/O. H.NO.147, B BLOCK,
ASHRAY LAYOUT, BOMANKATTE,



SHIVAMOGA.

2. SRI. VEERANAGOUDA SHANKARAGOUDA PATIL,
AGE: 82 YEARS, OCC. AGRICULTURE,
R/O. DEVALAPUR, TQ. BAILHONGAL,
DISTRICT: BELAGAVI.
3. SRI. SHANKARAGOUDA VEERANAGOUDA PATIL,
AGE: 43 YEARS, OCC. AGRICULTURE,
R/O. DEVALAPUR, TQ. BAILHONGAL,
DISTRICT: BELAGAVI.
4. SMT. VIJAYALAXMI W/O. PRABHUGOUDA PATIL,
AGE: 45 YEARS, OCC. HOUSEHOLD WORK,
R/O. JOG YALLAPURA, TQ. SIRSI,
DISTRICT: KARWAR.

...RESPONDENTS

(BY SRI. SANGRAM S. KULKARNI, ADVOCATE FOR R1;
SRI. PRAKASH R. BADIGER, ADVOCATE FOR R3 AND R4;
R2-DEAD (R1, R3, R4 ARE LRS OF R2))

THIS RFA IS FILED UNDER SECTION 96 OF CPC., PRAYING TO
SET ASIDE THE JUDGMENT AND DECREE DATED 23.07.2019
PASSED IN O.S.NO.64/2014 ON THE FILE OF THE SENIOR CIVIL
JUDGE, BAILHONGAL, IN THE INTEREST OF JUSTICE AND EQUITY.

THESE REGULAR FIRST APPEALS, COMING ON FOR
REPORTING SETTLEMENT, THIS DAY, JUDGMENT WAS DELIVERED
THEREIN AS UNDER:

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



ORAL ORDER

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

1. These appeals are filed against the judgment and decree dated 23.07.2019 passed by the learned Senior Civil Judge, Bailhongal, in O.S. No.64/2014.

2. Smt. Prema, who is the plaintiff/respondent No.1 in both the appeals, had filed O.S.No.64/2014 for partition and separate possession of her share, which was decreed awarding 1/4th share in the suit schedule properties. Against the said judgment and decree, defendant Nos.1 to 3 have filed RFA No.100594/2019 and defendant No.4, who is said to be the purchaser of a portion of the suit schedule properties, filed RFA No.100462/2019.

3. Appellant No.1 (defendant No.1) in RFA No.100594/2019 is no more and is represented by appellant Nos.2 and 3. Appellant Nos.2, 3 (defendant Nos.2 and 3), respondent No.1(plaintiff) and respondent No.2/defendant No.4(GPA holder of defendant No.4) have filed compromise



petition under Order XXIII Rule 3 of the Code of Civil Procedure.

4. Appellant Nos.2, 3, respondent No.1 and the power of attorney holder of defendant No.4 are present before the Court and they are identified by their respective counsels.

5. On enquiry, both the parties have voluntarily admitted the terms and conditions of the compromise petition. The terms and conditions are extracted as follows:

"TERMS AND CONDITIONS OF COMPROMISE"

[1] Properties allotted to the share of plaintiff/respondent no.1 [Smt. Prema w/o Ganesh S.P]

All that piece and parcel of the agricultural land measuring 35 gunthas out of 4 Acres 30 gunthas assessed at Rs.7.70ps bearing RS No.104/6+7 situated at Devalapur village which is bounded to the East by road, to the West by RS No.103, to the North by 36 gunthas allotted to the share of appellants No.2 & 3 out of Sy.No.104/6+7 and to the South by area measuring 2 acres 39 gunthas purchased by defendant No.4/respondent No.2 under registered sale deed dated 21/3/2012 out of R.S no.104/6+7.

A map showing the location/measurement of the property allotted to the share of plaintiff/respondent No.1 shown in yellow colour is annexed to this petition which may be treated as part and parcel of this petition.



[2] Properties allotted to the share of defendants 2 & 3/appellant no.2 & 3 i.e. [Shankargouda Veerangouda Patil and Vijaylaxmi w/o Prabugouda Patil]

A] All that piece and parcel of the agricultural land measuring 36 gunthas out of 4 Acres 30 gunthas assessed at Rs.7.70ps bearing RS No.104/6+7 situated at Devalapur village which is bounded to the East by road, to the West by RS No.103, to the North by RS No.104/1B and to the South by land measuring 35 gunthas allotted the share of plaintiff in RS No.104/6+7.

A map showing the location/measurement of the property allotted to the share of appellants No.2 and 3 shown in green colour is annexed to this petition which may be treated as part and parcel of this petition.

B] All that piece and parcel of the agricultural land measuring 29 gunthas assessed at Rs.2.05ps bearing RS No.70/5 situate at Devalapur village and

C] also in the house property bearing Gram Panchayat H.No.472/B with open space.

[3] The appellants and respondents admit and confirm the absolute right of respondent No.2/defendant No.4 over property measuring 2 acres 39 gunthas out of 4 acres 30 gunthas assessed at Rs.7.70ps bearing RS No.104/6+7 purchased under registered sale deed dated 21/3/2012 bearing No. BLG-1-03503/2011-12, Book I, stored in CD No. BLGD90, executed by Defendant No. 1 to 3. The Appellants & Respondents submit that, they have no right, title or interest over the said property & further submit that, the Respondent No. 2 / Defendant No. 4 is in exclusive peaceful possession and enjoyment of the same. The description of the said property is as under:

All that piece and parcel of the southern portion of the agricultural land measuring 2 acres 39 gunthas out of 4 Acres 30 gunthas assessed at Rs.7.70ps bearing RS No.104/6+7 situated at Devalapur village which is bounded to the East: Road, to the West: RS No. 103, Agricultural Lands of Sri. Rudrappa Nari & Gullannavar, to the North: Property allotted to the share



of plaintiff measuring 35 gunthas out of same sy no, to the South: RS No. 104/Hissa No. 8, A map showing the location/measurement of the property of Respondent No. 2 / Defendant No. 4 is annexed to this petition which may be treated as part and parcel of this petition.

[4] The parties agree to get the names of the respective allottees entered in the revenue records relating to the properties allotted to their share.

[5] RFA No.100462/2019 filed by defendant No.4 be disposed in terms of this compromise as the plaintiff has admitted the registered sale deed dated 21/3/2012 executed by defendants No.1 to 3 in favour of defendant No.4.

[6] The appellants and respondents shall co-operate with each other in getting the lands subdivided as per the share allotted to them under this compromise.

[7] The appellants have delivered the actual physical possession of the property measuring 35 gunthas to the plaintiff free from any claims, objections and encumbrances.

[8] The appellants shall also clear if any encumbrance over the property which is allotted to the share of the plaintiff.

[9] The parties have entered into this compromise out of their free will and full knowledge voluntarily.

[10] The parties shall bear their costs respectively."

6. The terms and conditions of the compromise petition are lawful and voluntary. The settlement and compromise petition filed in this case is accepted. In light the



same, both the appeals are disposed off in terms of the compromise petition.

Draw decree accordingly.

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

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

kmv
CT:PA
LIST NO.: 1 SL NO.: 34