



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 4150 OF 2024 (GM-RES)

BETWEEN:

1. CHETHAN KUMAR
AGED ABOUT 37 YEARS,
S/O HANUMANTHAPPA N R
R/O KARAKUCHHI B COLONY
LAKKAVALLI HOBLI, TARIKERE
TALUK - 577 132, CHIKKAMAGALURU DISTRICT

...PETITIONER

(BY SRI. CHIDAMBARA G.S., ADVOCATE)

AND:

1. K L JAYARAJ
AGED ABOUT 41 YEARS
S/O LATE T V LOKESHAPPA
SINCE DEAD BY L.RS:

- 1(A) SMT. SHWETHA S.R.
AGED ABOUT 37 YEARS
W/O LATE K.L. JAYARAJ (JAYARAJ L.J)

- 1(B) KUM. AVANIKA
AGED ABOUT 14 YEARS
D/O LATE K.L. JAYARAJ (JAYARAJ L.J)
SINCE MINOR REPRESENTED BY HER MOTHE-
NATURAL GUARDIAN - PROPOSED RESPONDENT
NO.1(A) SMT. SHWETHA S.R.
BOTH ARE R/O KARAKACHCHI
'B' COLONY VILLAGE, LAKKAVALLI HOBLI,
TARIKERI TALUK - 577 132

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



CHIKKAMAGALURU DISTRICT.

2. K L KRISHNAMURTHY
AGED ABOUT 39 YEARS
S/O LATE T V LOKESHAPPA
SINCE DEAD BY LRS.
- 2(A) SMT. MEGHANA,
AGED ABOUT 28 YEARS
W/OLATE K.L. KRISHNAMURTHY
- 2(B) DHANUSH K
AGED ABOUT 11 YEARS
S/O LATE K.L. KRISHNAMURTHY.
- 2(C) KUM JALNAVI K.
AGED ABOUT 9 YEARS
D/O LATE K.L. KRISHNAMURTHY

RESPONDENTS 2(A) AND 2(B) ARE SINCE
MINORS REPRESENTED BY THEIR MOTHER-
NATURAL GUARDIAN-RESPONDENT NO.1(A)
SMT. MEGHANA.
ALL ARE R/O KARAKUCHDI, 'B' COLONY VILLAGE
LAKKAVALLI HOBLI, TARIKERE TALUK-577 132.
CHIKKAMAGALURU DISTRICT.
AMENDED AS PER COURT ORDER DT:25-03-2026

3. SMT K L DEEPA
AGED ABOUT 42 YEARS
D/O LATE T V LOKESHAPPA
4. SMT BEERAMMA
AGED ABOUT 61 YEARS
W/O LATE T V LOKESHAPPA
5. SMT NAGAMMA
AGED ABOUT 83 YEARS
W/O LATE T H VASUDEVAPPA



6. T V ANNAIAH
AGED ABOUT 61 YEARS
S/O LATE T H VASUDEVAPPA
7. SMT BHAGYALAXMI
AGED ABOUT 59 YEARS
D/O LATE T H VASUDEVAPPA
8. SMT CHANDANA
AGED ABOUT 39 YEARS
D/O HANUMANTHAPPA N R
9. SMT RAJALAXMI
AGED ABOUT 57 YEARS
D/O LATE T H VASUDEVAPPA
W/O M KUMAR
R/O KANAKA BADAVANE, TARIKERE,
CHIKKAMAGALURU DISTIRCT-577228
10. S.N. GNANESHWARA,
AGED ABOUT 43 YEARS
S/O LATE S.M. NAGARAJ

RESPONDENTS 1 TO 9 ARE
R/O KARAKUCHHI 'B' COLONY
VILLAGE, LAKKAVALLI HOBLI,
TARIKERE TALUK - 577 132.
CHIKKAMAGALURU DISTRICT.

...RESPONDENTS
(BY SRI. RAVI H.K AND SRI. PRASANNA KUMAR .V., ADVOCATE
FOR R3, R4, R5, R6, R10, R7, R8, R9, R1(A), R1(B), R2(A),
R2(B), R2(C) ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE
ORDER DTD 14.08.2021 VIDE ANNEX-A ACCEPTING THE
ALLOWING THE COMPROMISE PETITION AND CLOSING THE
SUIT AS SETTLED IN LOK ADALATH AND THE COMPROMISE



DECRE VIDE ANNX-B BOTH PASSED IN THE LOK ADALATH OF THE COURT OF SENIOR CIVIL JUDGE AND PRL JMFC AT TARIKERE IN OS NO. 71/2021 AND ETC.,

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING - B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Petitioner is before this Court seeking for the following reliefs:

"Wherefore it is prayed that this Hon'ble court may the pleased to:

a) Issue appropriate writ or writs quashing the order dated 14-08-2021, vide, Annexure-A accepting and allowing the compromise petition and closing the suit as settled in Lok Adalath and the compromise decree, vide, Annexure-B both passed in the Lok Adalath of the Court of Senior Civil Judge and Prl. JMFC at Tarikere in O.S. No.71/2021;

b) Consequently restore the suit in O.S.No.71/2021 to its original with a direction to the Court of Senior Civil Judge and Prl. JMFC Tarikere to decide the same on merits and in accordance with law;

c) Grant such other writs or orders or directions or reliefs as the Hon'ble court deems fit to grant in the facts and circumstances the case; and

d) Award costs of the writ proceedings".



2. A suit in O.S. No.71/2021 had been filed seeking for partition and separate possession wherein the petitioner was arrayed as defendant No.4. On service of notice, the defendants had entered appearance on 12.08.2021. One other person filed an application to be impleaded which application came to be allowed on 13.08.2021. An amendment application had been filed on the very same day which also came to be allowed. Thereafter, the parties filed a compromise petition which came to be recorded with the plaintiff and the defendant signing the order sheet identified by their respective counsels, who have also signed the order sheet. The compromise petition was taken up in the Lok Adalat and accepted. Challenging the same, petitioner is before this Court.
3. The submission of the learned for the petitioner is that there is fraud played on the petitioner inasmuch as a draft compromise petition had been furnished to the petitioner. The final compromise petition which has been signed by the petitioner was not explained to the



petitioner though the petitioner was present before the Court when the compromise petition was filed and signed the order sheet, when the compromise petition was accepted by Lok Adalath, the petitioner was not present.

4. It is his further submission that in the final compromise which has been recorded, the rights of the petitioner have been truncated and the petitioner was made to pay further amounts under the compromise. The submission of the counsel for the petitioner is that the compromise which has been entered into is contrary to the directions issued by this Court in ***Smt RENUKA vs RAMANAND AND ANOTHER¹*** and ***Smt Akkukbai vs Shri Venkatrao and Others²***.

5. Heard learned counsel for the petitioner. Perused the documents.

¹ 2022 (3) Kar.LJ 709

² ILR 2014 Kar. 2051



6. A perusal of the documents indicates that the counsel had entered appearance for the defendants including the petitioner who is defendant no.4 therein on 12.08.2021. On 13.08.2021 there were several actions which took place namely impleadment of defendant No. 7 as also amendment of the plaint and it is only thereafter that a compromise petition was filed. The compromise petition has been signed by the plaintiffs and the defendants who are respectively identified by their respective counsels. The petitioner is one among the defendants arrayed as defendant no.4 represented by the same counsel who had represented all the defendants. The compromise petition having been filed, there is a clear and categorical statement made in the order sheet that the contents of the application were read over to the parties. The parties admitted the contents as true and correct and in furtherance thereof, that the matter was referred to the Lok Adalath. The Lok Adalath accepted the contents of compromise



petition as true and correct. There being no legal impediment to accept the compromise, the application under Order XXIII Rule 3 of the Code of Civil Procedure was allowed and accepted directing the drawing up of a decree.

7. The submission of learned counsel for the petitioner is that if a compromise petition had been filed before the Court, it would have been recorded by the Court itself and not referred to the Lok Adalath in terms of the decision of this Court in **Renuka** (supra).
8. The said decision in **Renuka** (supra) was rendered on 31.03.2022 whereas the compromise in the present matter was recorded on 13.08.2021, much prior to it . Hence, I am of the considered opinion that the decision in **Renuka** (supra) would not be applicable to the present case. Be that as it may procedural infraction cannot negate a valid compromise, such infraction



having nothing to do with the execution of the compromise petition.

9. Taking into consideration that the petitioner was represented by a counsel, who has identified the petitioner, the petitioner was enquired upon as regard the contents of the compromise petition and thereafter, the compromise was accepted, there being no action taken by the petitioner against the counsel who had represented the petitioner, I am of the considered opinion that the present petition is only an abuse of the process of law.
10. The petitioner having executed a compromise petition, signed the order sheet and received the benefit therefrom, has challenged the compromise after nearly 3 years by filing the above petition on 06.02.2024.
11. No grounds being made out. The above petition is dismissed by imposing cost of Rs.25,000/- payable to the Karnataka State Legal Services Authority, which



shall be so paid within a period of 4 weeks from today. If not paid by 14.07.2026, the Karnataka State Legal Services Authority would be entitled to recover the same as arrears of land revenue.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

BRN
List No.: 1 Sl No.: 34