



CNR: KAHC010106592023

NC: 2026:KHC:41674-DB
RFA No. 429 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

REGULAR FIRST APPEAL NO. 429 OF 2023 (PAR)

BETWEEN:

SMT. MANJULA
W/O LAXMIKANTH M N
AGED ABOUT 50 YEARS,
R/AT NO. 171/44, "TAYI DEGULA",
NEAR ANJANEYASWAMI TEMPLE,
1ST STAGE, 2ND BLOCK,
PEENYA,
BEGNGALURU -560 058.

...APPELLANT

(BY SMT. SUNITHA H SINGH, ADVOCATE)

Digitally
signed by
RAKSHA

Location:
High Court
of Karnataka

AND:

1. SMT. MAHESHWARAMMA @ SAROJAMMA
W/O LATE MUNIRAMAIAH,
AGED ABOUT 83 YEARS,
R/AT NO.61, HOSPITAL ROAD,
OPP KAILASH BHAVAN,
BENGALURU - 560 053.
2. SRI. HANUMA NARASIAH
S/O LATE MUNIRAMAIAH,
AGED ABOUT 54 YEARS,
R/AT NO. 107/1,



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SHREE ANJENEYA SWAMI NILAYA,
3RD CROSS, 2ND BLOCK,
1ST STAGE PEENYA,
BENGALURU -560 058.
SINCE DEAD BY HIS LEGAL HEIRS

- 2(a) SMT. GEETHA P K
W/O SRI. HANUMA NARASIAH
R/AT NO.107/1,
SHREE ANJENEYA SWAMI NILAYA,
3RD CROSS, 2ND BLOCK,
1ST STAGE PEENYA,
BENGALURU - 560 058.
- 2(b) SRI. MARUTHI H
S/O LATE HANUMANARASIAH
R/AT NO.107/1,
SHREE ANJENEYA SWAMI NILAYA,
3RD CROSS, 2ND BLOCK,
1ST STAGE PEENYA,
BENGALURU - 560 058.
- 2(c) SMT. SHRUTHI
D/O HANUMANARASIAH
R/AT NO.107/1,
SHREE ANJENEYA SWAMI NILAYA,
3RD CROSS, 2ND BLOCK,
1ST STAGE PEENYA,
BENGALURU - 560 058.
3. SMT. REKHA
W/O PRAKASH,
AGED ABOUT 58 YEARS,
R/AT C/O MAHESHWARAMMA,
NO.61, HOSPITAL ROAD,
OPP KAILASH BHAVAN,
BENGALURU - 560 053.



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4. SMT. MANGALA
W/O NARASIMHAMURTHY,
AGED ABOUT 52 YEARS,
R/AT C/O MAHESHWARAMMA,
NO.61, HOSPITAL ROAD,
OPP KAILASH BHAVAN
BENGALURU - 560 053.
5. SMT. SHASHIKALA
W/O R REVANNA,
AGED ABOUT 62 YEARS,
R/AT NO. 600 ANNAMMA NILAYA,
ANGADI BYRAPPA BUILDING,
1ST CROSS, 2ND BLOCK,
1ST STAGE, PEEENYA,
BENGALURU -560 058.
SINCE DEAD
- 5(a) MR. R REVANNA
AGED ABOUT 62 YEARS,
H/O SMT. SHASHIKALA.
- 5(b) MRS. ANUPAMA
AGED ABOUT 41 YEARS,
D/O SMT SHASHIKALA
R/AT NO.600 ANNAMMA NILAYA,
ANGADI BYRAPPA BUILDING,
1ST CROSS, 2ND BLOCK,
1ST STAGE, PEEENYA,
BENGALURU -560 058.
6. SMT. MEENAKSHAMMA
@ VISHALAKSHMAMMA
W/O RAMACHANDRAIAH,
AGED ABOUT 60 YEARS,
R/AT TUMBODI,
KORATAGERE TALUK,
TUMKUR DISTRICT -572129.



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7. SMT ANASUYA
W/O R RAMESHKUMAR,
AGED ABOUT 56 YEARS,
R/T NO. 25 HAL COLONY,
VIMANAPURA,
BENGALURU -560 017.
- DELETED VIDE
COURT ORDER
DTD 06.08.2026

...RESPONDENTS

(BY SRI. C V MANJUNATH, ADVOCATE FOR R2(a) TO R2(c);
SRI. S VENKATESH, ADVOCATE FOR R3, R4, R5(a) & R(b)
AND R6;
R1 DEAD)

THIS RFA IS FILED UNDER SECTION 96 R/W ORDER 41
RULE 1 OF CPC., AGAINST THE JUDGMENT AND DECREE
DATED 12.01.2023 PASSED IN OS NO.1644/2014 ON THE FILE
OF THE VII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE,
BENGALURU. DISMISSING THE SUIT FOR PARTITION.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE VENKATESH NAIK)

Learned counsel for the appellant and learned counsel for
respondent Nos.2 to 6 are present.



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2. Learned counsel for the appellant has filed a memorandum of compromise petition under Order 23 Rule 3 read with Section 151 CPC. The contents of the compromise read as under:

MEMORANDUM OF COMPROMISE PETITION UNDER ORDER 23 RULE 3 READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908.

The appellant and the respondents most respectfully submits that they have mutually entered into this Compromise Petition and the claim against each other has been mutually settled among both the parties herein.

1. It is submitted that this Appeal is filed by the Appellant being aggrieved by the Judgment and decree passed in O.S.1644/2014 on dated:12.01.2023 by the Hon'ble VII Addl. City Civil & Sessions Judge, Bengaluru, dismissing the Partition suit filed by the appellant for 1/8th share in the subject property.
2. On dated 16.04.1998, Sri. B.H. Maniramaiah the father of appellant(plaintiff No.1) and Respondent Nos.2 to 7 (defendant No.2 to 4 and Plaintiff No.2 to 4) and Husband of respondent No.1(defendant No.1), died intestate living behind the parties to the suit as his only surviving legal heir.
3. On dated 22.11.1956, one Mr. B.H. Muniramaiah acquired the property bearing No.61, Old No.48, Municipal No.162, situated at Hospital Road, Bangalore measuring East to West 21 feet and North to South 37 feet, totally measuring to an extent of 777 Sq.fts, consisting of ground floor, first floor and second floor by virtue of a registered Partition Deed dated 22.11.1956.



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4. On dated 22.07.2002, the respondent No.1 & 2 (defendant No.1 & 2) without the knowledge and consent of Appellant and respondent No.3 to 7 (defendant No.3 and 4 and plaintiff No.2 to 4) have effected the partition by dividing the property as Schedule property no share was allotted to either for the appellant or the other respondents.
5. On dated 14.08.2002, the Respondent No.1 (defendant No.1) has executed a Will only to half of the portion of the property which she got by partition dated 22.07.2002 between herself and the respondent No.2 according to which the appellant and respondent No.3 to 7 who were given 1/5th share in the said Will that in the half portion of the Suit Schedule Property.
6. It is further submitted that, at the intervention of the relatives, friends and well-wishers of the parties to this Appeal and in order to put an end to the litigation and also to maintain cordial relationship between the parties, notwithstanding the claims of the individual parties in respect of the property involved in the suit, the parties to this Appeal have arrived for settlement hitherto.
7. It is further submitted that during the pendency of the appeal the respondent No.1 and respondent No.2 died. Respondent No.1 legal heirs are already on record whereas the respondent No.2 legal heirs are respondent No.2(a), 2(b) and 2(c), respondent No.5 died leaving behind her legal heirs that is respondent No.5a and 5b her husband and only daughter.
8. It is further submitted that, in terms of the Will dated 14.08.2002 executed by Smt. Maheshwaramma bequeathing her share of property in favour of her five daughters namely 1. Smt. Manjula, 2. Smt. Rekha, 3. Smt. Mangala, 4. Smt. Shashikala and 5. Smt. Menakshamma. The respondent No.7 entitled a sum of Rs.1,00,000/- (Rupees One lakh only) out of the sale proceeds as per the Will dated 14.08.2002, in



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view of the fact that the respondent No.7 has been given with the site measuring 30 x 40 site during the life time of father Muniramaiah at the time marriage of respondent No.7.

9. It is further submitted that, the appellant is willing to and is ready to accept the 1/5th share in her favour when the said property is been sold.

10. It is further agreed between the parties that the 1/5th share of the property i.e., allotted to the appellant by virtue of the said Will dated 14.08.2002 will be given to the Appellant without any kind of deduction to the Appellant at the price of which the said property will be sold in terms of the sale consideration of 1/5th share shall be given to the appellant. The appellant is not liable to pay any liability or loan incurred on the schedule property. If any of the parties to the lis availed loan either in bank/s, financial institutions or person, such persons/parties should clear the same without putting liability on anybody.

11. It is further submitted that, both the parties have mutually agreed for the said compromise and the legal heirs of the respondent No.2 i.e., Wife Smt. Geetha, Son Sri. Maruthi H and Daughter Smt. Shruthi H i.e., respondent Nos.2(a), 2(b) and 2(c) have inconsonance with other co-sharers and positive cooperation of all the parties have agreed to allotting the said share in favour of the appellant herein.

12. It is further submitted that respondent No.2, i.e., Wife Smt. Geeta, Son Sri. Maruthi H and Daughter Smt. Shruthi H i.e., Respondent No.2(a), 2(b) and 2(c) will take positive initiative to sell the entire suit schedule property within the period of six months from this day subject to cooperation of all the family members and subject price satisfaction to all the parties to the lis. In case if the prospective buyers offer is not satisfied to the parties, the Lr's of respondent No.2 will pursue further to potential buyers at the interest of all the parties after 6 months period.



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13. It is further submitted that legal heirs of respondent No.2 i.e., wife Smt. Geeta, Son Sri. Maruthi H and Daughter Smt. Shruthi H i.e., Respondent No.2(a), 2(b) and 2(c) unable to sell the property within the period of 6 months or extended period despite their best efforts subject to co-operation and price satisfaction to all the parties, the appellant will be at liberty to reopen the appeal and contest the case in accordance with law.

14. It agreed between the parties that any property tax due to the BBMP, the respective parties have to be cleared as per the ratio of their share as per the Judgment. Further the parties herein agreed that they shall pay commission to the agent/broker at the time of sell the property as per the ratio of the judgment and decree.

15. It is further submitted that, this Compromise Petition has been entered into by all the parties voluntarily without coercion or undue influence. The contents of this Compromise Petition have been fully explained to and understood by all the parties, and have affixed their signatures accordingly.

Wherefore the parties to this Appeal most respectfully pray that this Hon'ble Court may be pleased to record the above compromise and disposed of the matter in terms of the compromise petition.

(sic)

3. Hence, in view of the compromise entered into between the appellant and respondent Nos.2 to 6, the appeal stands disposed of in terms of the compromise.



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Draw the decree accordingly.

Pending IAs, if any, stands disposed of.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

MN

List No.: 4 Sl No.: 3