



CNR: KAHC010111952019

NC: 2026:KHC:44829-DB
RFA No. 865 of 2019

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 19TH DAY OF AUGUST, 2026**

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

REGULAR FIRST APPEAL NO. 865 OF 2019 (PAR)

BETWEEN:

SRI SHIVANNA
S/O RAMAIAH
AGED 64 YEARS,
R/O LINGANAHALLI VILLAGE,
BELLAVI HOBLI, TUMAKURU TALUK
TUMAKURU DIST. - 572101
(SENIOR CITIZEN NOT CLAIMED)

...APPELLANT

(BY SRI. M. B. CHANDRACHOODA, ADVOCATE)

AND:

1. SMT. SHARADAMMA
W/O LATE RAMAIAH
AGED 54 YEARS,
2. NINGAMMA
D/O LATE RAMAIAH
AGED 35 YEARS
3. SRI KEMPAIAH
S/O LATE RAMAIAH
AGED 32 YEARS

Digitally
signed by
PAVITHRA N
Location:
High Court
of Karnataka



NC: 2026:KHC:44829-DB
RFA No. 865 of 2019

CNR: KAHC010111952019

4. SRI CHAITRA
W/O LATE RAMAIAH
AGED 29 YEARS

RESPONDENTS 1 TO 4 ARE R/O HUNASIKATTE
VILLAGE, BUKKAPATNA HOBLI
SIRA TQ, TUMAKURU DISTRICT-572137

5. SRI G.M.HANUMANTHARAYAPPA
S/O LATE MUDDAIAH
AGED 74 YEARS,
R/O P GOLLAHALLI VILLAGE,
SORAKUNTE POST, BELLAVI HOBLI
TUMAKURU TQ. & DIST.-574213

6. THE SPECIAL AND ACQUISITION OFFICER-1,
KIADB, 2ND FLOOR,
ARAVINDA BHAVAN, NRUPATHUNGA ROAD
K R CIRCLE, BENGALURU-560009

7. SRI H NATARAJU
S/O G M HANUMANTHARAYAPPA
AGED 97 YEARS,
R/O P. GOLLAHALLI VILLAGE
SORAKUNTE POST, BELLAVI HOBLI
TUMAKURU TQ. & DIST.-574213

...RESPONDENTS

(BY SRI. NARAYANA BHAT M., ADV. FOR R1 TO R4;
SRI. R.V.JAYAPRAKASH, ADV. FOR C/R5 & R7)

THIS RFA IS FILED UNDER SECTION 96 OF CPC,
AGAINST THE ORDER DATED 26.02.2019 PASSED ON I.A. IN
O.S.NO.328/2018 ON THE FILE OF THE III ADDITIONAL
SENIOR CIVIL JUDGE AND JMFC, TUMAKURU, ALLOWING THE
APPLICATION FILED UNDER ORDER 7 RULE 11(d) OF CPC, FOR
REJECTION OF PLAINT.



CNR: KAHC010111952019

NC: 2026:KHC:44829-DB
RFA No. 865 of 2019

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 T.P.VIVEKANANDA

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

It is submitted by the learned counsel appearing on either side that the parties have settled the dispute in the manner as set out in the joint memo. The joint memo filed by the parties reads as under;

"JOINT COMPROMISE PETITION FILED BY THE APPELLANT AND THE RESPONDENT NOS.1 TO 5 & 7 UNDER ORDER XXIII RULE 3 OF THE CODE OF CIVIL PROCEDURE

1. The Appellant submits that he filed O.S. No. 328/2018 before the Court of the III Addl. Senior Civil Judge & JMFC, Tumkur against the Respondents herein seeking for a decree for partition and separate possession of his legitimate share in the suit schedule property by metes and bounds and to grant such other relief as the Hon'ble Court deems fit to grant in the facts and circumstances of the case. The suit schedule property is described as land bearing Sy. No.5 totally measuring 10 acres 13 guntas including 01 acre 09 guntas of kharab situated at Lingannahalli Village, Bellavi Hobli, Tumkur Taluk.

2. It is submitted that on an application filed on behalf of the Defendant Nos.2 and 4 under Order VII Rule 11 of CPC, the Trial Court has passed the Judgment and Order dated:26-02-2019 rejecting the Plaint. The



CNR: KAHC010111952019

Appellant/Plaintiff has filed the above appeal against the said Judgment and Decree dated:26-02-2019 in O.S. No. 328/2018 on the file of the III Addl. Senior Civil Judge & JMFC, Tumkur.

3. During pendency of the above appeal, on the advice of the elders and well wishers, the Appellant and the Respondent Nos. 1 to 5 and 7 have amicably settled the dispute among themselves. The Appellant has agreed to withdraw the above appeal and the Respondent Nos. 5 and 7 have agreed to pay a total sum of Rs.16,00,000/- [Rupees Sixteen Lakhs only] to the Appellant and Respondent Nos. 1 to 4 in full and final settlement of all the claims of the Appellant/Plaintiff and Respondent Nos. 1 to 4/Defendant Nos. 1(a) to 1(d).

4. The Respondent No.5/Defendant No.2 and Respondent No. 7/Defendant No.4 will pay a sum of Rs. 8,00,000/- [Rupees Eight Lakhs only] by way of Demand Draft/Cheque drawn on Union Bank of India, M.G.Road Branch, Tumkur in favour of the Appellant/Plaintiff and a further sum of Rs. 8,00,000/- [Rupees Eight Lakhs only] by way of Demand Draft/Cheque drawn on Union Bank of India, M.G.Road Branch, Tumkur in favour of Respondent No. 1 on her behalf and on behalf of Respondent Nos. 2 to 4/ Defendant Nos. 1(b) to 1(d) as agreed in full and final settlement of all the claims of the Appellant/Plaintiff and Respondent Nos.1 to 4/ Defendant Nos. 1(a) to 1(d) before the Hon'ble Court on the date when the matter would be listed for hearing.

5. The Appellant admits that the Sale Deed dated:12-06-1963 registered as Document No. 1686, Book No. 1 in the Office of the Sub-Registrar, Tumkur under which the Respondent No.5/Defendant No. 2 purchased the suit schedule property from Lakkamma D/o late Poojaraiah and her son Ramaiah for valuable consideration is a genuine and valid sale deed and the Respondent No. 5/Defendant No. 2 has acquired valid right, title and interest over the said property and he was put in possession pursuant to the said Sale Deed.



CNR: KAHC010111952019

As such, neither the Appellant nor his heirs and legal representatives have any kind of right, title and interest over the suit schedule property. Similarly, the Respondent Nos.1 to 4 who are the heirs and legal representatives of the original Defendant No. 1 late Ramaiah also admit that they do not have any kind of right, title and interest over the suit schedule property. In this regard, the Wife and Children of the Appellant have filed their respective Affidavits duly sworn to by them stating that they do not have any kind of right, title and interest over the suit schedule property and that they have no objection for withdrawal of the above appeal. The Affidavits so filed are enclosed herewith.

6. The Appellant/Plaintiff and Respondent Nos. 1 to 4/ Defendant Nos. 1(a) to 1(d) agree and submit that there was an oral partition between the Respondent No.5/Defendant No. 2 and his son Respondent No. 7/Defendant No. 4 which was reduced into writing in a deed dated: 01-10-2011 and in the said partition, the suit schedule property has fallen to the share of his son Respondent No. 7/Defendant No. 4 and since the date of partition, his son the Respondent No. 7/Defendant No. 4 has been in exclusive physical possession and enjoyment of the suit schedule property in his own right as full and absolute owner.

7. The Appellant/Plaintiff and Respondent Nos. 1 to 4/ Defendant Nos. 1(a) to 1(d) agree and submit that they have absolutely no right, title, interest, possession or share in the suit schedule property and that the Respondent No. 5/Defendant No. 2 has acquired valid right, title and interest over the suit schedule property on the basis of the registered Sale Deed dated: 12-06-1963 under which the Respondent No. 5/Defendant No. 2 purchased the suit schedule property from Lakkamma W/o late Poojaraiah and her son Ramaiah.

8. The Appellant/Plaintiff and Respondent Nos. 1 to 4/Defendant Nos. 1(a) to 1(d) submit that the suit schedule property has been acquired by the Government under the provisions of the Karnataka



CNR: KAHC010111952019

Industrial Areas Development Board Act, 1966 and part of the compensation has been received by the Respondent No. 7/Defendant No. 4. The Appellant/Plaintiff and the Respondent Nos. 1 to 4/Defendant Nos. 1(a) to 1(d) have absolutely no objection for payment of the remaining compensation/developed land as compensation and also any further compensation payable to them in respect of the suit schedule property to the Respondent No.5/Defendant No.2 or to Respondent No. 7/Defendant No.4. The Respondent No.5/Defendant No.2 and the Respondent No.7/Defendant No.4 or any one of them is at liberty to receive the compensation/developed land as compensation.

9. The dispute in this case is only between the Appellant and the Respondent Nos.1 to 5 and 7. As such, the Respondent No. 6/Defendant No.3 is not a necessary party to the compromise and this compromise is not signed by Respondent No.6/Defendant No. 3.

10. In the circumstances stated above, it is prayed that the compromise entered into to between the Appellant and the Respondents may kindly be recorded and the above appeal may kindly be dismissed as withdrawn in the interest of justice."

2. It is submitted that all the parties are present before the Court today. The identity of the parties are not in dispute. The parties are duly identified by their respective counsel.

3. In the above view of the matter, the joint memo filed by the parties is taken on record and same is accepted.



CNR: KAHC010111952019

The demand drafts as stated in the joint memo/compromise petition are handed over today in the Court and a memo to that effect is also filed. Receipt of the demand drafts is also admitted by the appellant- Sri Shivanna and respondent No. 1- Smt. Sharadamma.

4. The appeal shall stand ***disposed of*** in accordance with the compromise. Registry shall draw up a decree in terms of the agreement.

Pending applications, if any, also stand disposed of.

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

**Sd/-
(T.P.VIVEKANANDA)
JUDGE**

PN
List No.: 3 Sl No.: 12