



CNR: KAHC010113382023

NC: 2026:KHC:52752
RSA No. 437 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

REGULAR SECOND APPEAL NO. 437 OF 2023 (SP)

BETWEEN:

1. SRI N J SWAMY
S/O JAVARAIHAH
AGED ABOUT 45 YEARS
R/A NERALAKERE VILLAGE
ARAKERE HOBLI
SRIRANGAPATNA TALUK
AADHAR CARD NO.985166102666

...APPELLANT

(BY SRI. RAJESH A.,ADVOCATE)

AND:

1. SRI DUNDAIAH
S/O LATE BOMMAIAH
AGED ABOUT 58 YEARS
R/A VYYARAHALLI VILLAGE
KOTHATHI HOBLI
MANDYA TALUK
AADHAR CARD NO.858894609126

...RESPONDENT

(BY SRI. RAGHU K S.,ADVOCATE)

THIS RSA IS FILED UNDER SECTION 100 OF CPC
AGAINST THE JUDGMENT AND DECREE DATED 20.10.2022
PASSED IN RA.No.16/2019 ON THE FILE OF THE LEARNED





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ADDITIONAL SENIOR CIVIL JUDGE, AT SRIRANGAPATTANA,
DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT
AND DECREE DATED 23.08.2019 PASSED IN OS No.128/2014
ON THE FILE OF THE ADDITIONAL CIVIL JUDGE AND JMFC,
SRIRANGAPATNA.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

The appellant and respondent have filed an
application under Order XXIII Rule 3 of the Code of Civil
Procedure, 1908.

2. The respondent filed a suit (OS No.128/2014) for
specific performance, seeking for specific performance of
the registered Agreement of Sale deed dated 30.08.2010.
The Trial Court decreed the suit which was affirmed by the
First Appellate Court.

3. It is now placed on record that the appellant and
respondent have amicably settled the matter, wherein the

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appellant has paid the respondent a sum of `5,20,000/-.

The compromise petition reads as under:

"The parties to the above appeal submits as follows:

1. The Appellant /defendant is the absolute owner in possession and enjoyment of wet lands bearing Sy.No.464/2-P2, measuring 1 acre situated at Gamanahalli Village, Arakere Hobli, Srirangapatana taluk, bounded on East by Land of Yachenahalli, West by Land of Chowdegowda, North by Land of Javaraiah and South by Land of Lotti Jogi Siddaiah, which is more fully described in the schedule to the plaint.

2. It is submitted that the respondent / plaintiff filed the suit for Specific Performance of registered Agreement of Sell dated 30.08.2010, registered as Document No. SRP-1-01708-2010-11 stored in CD No. SRPD55. in the office of the Sub-Registrar Srirangapatna and such other relief's. in respect of the suit schedule property against the appellant/defendant.

3. At the intervention of the well-wishers and friends of appellant /defendant and respondent /plaintiff to the suit, the said parties have arrived at a settlement, which is detailed below, and the plaintiff and the defendant have accordingly submitting this compromise petition, requesting this Hon'ble court to record the same and pass appropriate orders in terms of the same.

4. Wherein the appellant / defendant agreed to pay a sum of Rs.5,20,000/- (Rupees Five Lakhs Twenty Thousand Only) to the respondent/plaintiff as full and final settlement and the respondent / plaintiff herein agreed for the same as follows:

a. The appellant herein already paid a sum of Rs.50.000/- (Rupees Fifty Thousand Only) to the respondent in cash on 05/09/2026.

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b. The respondent is entitled to get back a sum of Rs.50.000/-deposited by the respondent as per the trail court order on 14/05/2020 in Ex. Case No.5/2020 on the file of Addl.. Civil Judge and JMFC, Srirangapatana, Mandya.

c. The respondent is entitled to get back the Court fee paid by the appellant herein before the first appellate court Addl.. Senior Civil Judge. Srirangapatna. Mandya in sum of Rs.10.125/- on 15/10/2019 and further court fee in sum of Rs. 10.125/- paid by the appellant before this Hon'ble Court.

d. The remaining amount of Rs. 3.99.500/- (Rupees Three Lakhs Ninety Nine Thousand Five Hundred Only) by way of Cheque bearing No. 000010, drawn on Bank of Baroda. JC Road Branch, Bangalore 560 002 in favour of the respondent / defendant before this Hon'ble Court as full and final settlement."

4. The appellant has paid the sum of Rs.5,20,000/- in the manner of payment as stated in para 4 of the compromise petition.

5. The appellant and respondent are present before the Court and have agreed to have entered into the compromise.

6. In view of the aforementioned, the above appeal is partly allowed.



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7. The impugned judgment and decree passed by the trial Court is modified in term of the compromise. Modified decree to be drawn accordingly.

Pending IAs., if any, stand disposed of.

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(C.M. POONACHA)
JUDGE

Vmb
List No.: 1 Sl No.: 69