



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

REGULAR SECOND APPEAL NO. 308 OF 2012 (DEC/INJ)

BETWEEN:

SMT C N SHARADAMMA
D/O C V NAGARAJ
AGED ABOUT 48 YEARS
R/O CHANNAPATNA
NOW R/O PETEBEEDI
PANDAVAPURA TALUK
MANDYA DISTRICT-571434

...APPELLANT

(BY SRI. P PRASANNA KUMAR., ADVOCATE)

AND:

1. T N SHANTHA
W/O LATE K N SUNDAR RAJU
SINCE DEAD REP BY HER LR'S.

Digitally signed by
MALATHI
CHALUVA IYENGAR
Location: HIGH
COURT OF
KARNATAKA

1(A) T S BALAKRISHNA
S/O LATE MR. T SHIVASAIAH
AGED ABOUT 63 YEARS
R/O NO 531, 15TH MAIN, 15TH CROSS
SARASWATHIPURA, MYSORE-573027.

2. KUMARASWAMY
ISWARYA ELECTRICALS
MYSORE NAGAMANGALA ROAD
PANDAVAPURA-571434
DELETED VIDE ORDER DATED: 22.01.2026

...RESPONDENTS

(BY SRI. RAYAPPA Y HADAGALI., ADVOCATE FOR R1(A)
R2 IS DELETED VIDE ORDER DATED: 22.01.2026)



THIS RSA IS FILED UNDER SECTION 100 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 05.01.2012 PASSED IN R.A.NO.4/2011 ON THE FILE OF THE PRESIDING OFFICER, FAST TRACK COURT, SRIRANGAPATNA, ALLOWING THE APPEAL AND SETTING ASIDE THE JUDGMENT AND DECREE DATED: 08.11.2010 PASSED IN O.S.40/2009 (OLD NO.109/2004) ON THE FILE OF THE CIVIL JUDGE (SR. DN.) JMFC AND MACT, PANDAVAPURA.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL JUDGMENT

This appeal is filed by defendant No.1 under Section 100 of CPC, challenging the judgment and decree passed in RA No.4/2011 passed by the Fast Track Court, Srirangapatna.

2. The Plaintiff filed a suit for declaration and injunction in OS No.40/2009 before the Civil Judge (Sr.Dn.) and JMFC, Pandavapura. The suit came to be dismissed by judgment and decree dated 08.11.2010. Being aggrieved by the same, the plaintiff filed an appeal before the Fast Track Court, Srirangapatna in RA No.4/2011. The appeal came to be allowed and suit came to be decreed by the appellate court. Being aggrieved by



the same, the defendant has filed this regular second appeal.

3. After service of notice, during the pendency of the appeal, the original plaintiff, namely, T.S.Shantha died and her legal representative has been brought on record as respondent No.1A. Now, the parties have settled the matter and they have filed a compromise petition under Order 23 Rule 3 r/w. Section 151 of Civil Procedure Code. The compromise petition is signed by the parties. The parties are present before this Court. They and their signatures are identified by their respective learned advocates. They state that they have entered into the settlement out of their volition and without duress from anybody and they have settled the matter in terms of the compromise petition. The compromise petition is extracted below:

"The Appellant and Respondent No.1(a) in the above appeal humbly submit as under -
1. The above appeal has been filed by the Appellant against the judgment and decree dated 05.01.2012



passed in R.A.No.04/2011 on the file of the Presiding Officer, Fast Track Court, Srirangapatna, allowing the appeal and setting aside the judgment and decree dated 08.11.2010 passed in O.S.No. 40/2009 (Old No.109/2004) on the file of the Civil Judge (Sr. Dn.) JMFC and MACT, Pandavapura, by decreeing the suit.

2. During the pendency of the above Appeal, at the intervention of elders and well-wishers, both the Appellant & Respondent No.1(a) have agreed to settle the issue involved in the above appeal. The terms of the settlement was recorded by this Hon'ble Court in the Lok-Adalat proceedings vide its order dated 13.12.2025 and the sum and substance of the settlement is as under:

"The Parties have mutually agreed that the following suit schedule Items shall be allotted in favour of the Respondent No. 1(a) herein.

- 1) Item No. 2 - Sy.No. 11/1 Pai 0-32 guntas*
- 2) Item No. 4 - Sy.No.13/4 0-34 + 0-23 guntas = 1 acre 17 guntas,*
- 3) Item No. 6 - Sy. No 16/2B 0-04 guntas,*
- 4) Item No.9 - One and half site bearing the assessment No. 680/465/1 measuring 36 feet x 75 feet, i.e. 50% of the entire site measuring 36 feet x 150 feet.*



Remaining items of suit schedule property shall be allotted to the Appellant."

3. Pursuant to the recording of the above terms of compromise by this Hon'ble Court, the parties herein after discussing between themselves have agreed to substitute item No.13 - Sy.No.13 measuring 6 ¼ guntas in the place of item No.6 - Sy. No 16/2B 0-04 guntas, which shall be allotted in favour of the respondent No.1(a).

4. As such, the parties to the lis have now settled the dispute between them amicably. The Appellant and the Respondent No.1(a) have agreed to allot and divide the suit schedule property/items among themselves in the manner set forth herein under:

A. The following items of suit schedule property are allotted in favour of the Appellant herein:

1) Item No. 1 - Sy No.9/1P5, 0-20 guntas, bounded on;

East: Land of KN Sundara Raju

West: V.C Nala

North: Land of KN Narasimhaiah and

South: Land of KN Nagaraju



*2) Item No. 3 - Sy No. 11/2P2, 0-02 guntas,
bounded on;*

East: Land of Ramegowda

West: Land of KN Sundara Raju

North: Land of KN Sundara Raju and

South: Land of KN Sundara Raju

*3) Item No. 5 - Sy No. 16/1AP1, 01 acre 13 guntas,
bounded on;*

East: Land of KN Sundara Raju

West: Land of Narasimhaiah

North: Road and

South: Land of KN Sundara Raju

*4) Item No. 6 Sy No. 16/2B, 0-04 guntas, bounded
on;*

East: Land of Ramegowda

West: Land of KN Sundara Raju

North: Land of Ramegowda and

South: Land of KN Sundara Raju

*5) Item No. 7 - House situated at Pete Beedi,
Pandavapura Town, Assessment No. 1258/755/1
measuring 31 1½ x 29 Sqft, bounded on;*

East: House of KN Narasimhaiah

West: Road

North: KN Narasimhaiah's house and

South: Municipal Road



6) Item No. 8 - Store bearing Assessment No. K-401, NM Road, Pandavapura, measuring 7 x 14 Sqft, bounded on;

East: House of K Narayana

West: NM Road

North: Store of KN Nagaraju and

South: Municipal Road

7) Item No. 9 - One and half site bearing the assessment No. 680/465/1 and measuring 36 feet x 75 feet, i.e. 50% of the entire site measuring 36 feet x 150 feet.

East: Road

West: KEB Office

North: Remaining portion of the site fallen to the share of Respondent No. 1(a)/TS Balakrishna and

South: House of Shivananjappa

8) Item No. 10 Sy No. 11/1 Pai, 18 1¼ guntas, bounded on;

East: Remaining land of Sy No. 11/1

West: VC Nala

North: Land of Sy No. 13 and

South: VC Nala

9) Item No. 11 - Sy No. 12/1, 24 1½ guntas, bounded on;

East: Land of Narasimha Murthy



West: Land of Sy No. 13 & 11/1

North: Remaining land of Sy No. 12/1 and

South: Sy No. 11/1

*10) Item No. 12 - Sy No. 9/1P, 14 1½ guntas,
bounded on;*

East: Land of Sy No. 13

West: VC Nala

North: Remaining land of Sy No. 9/1, P1

South: Land of Sy No. 11/1

*B. The following items of suit schedule property are
allotted in favour of the Respondent No. 1(a)
herein:*

*1) Item No. 2 - Sy. No 11/1 Pai 0-32 guntas,
bounded on;*

East: Land of Sy.No 11/2B

West: Land of KN Narasimhaiah

North: Land of KN Sundara Raju and

South: V.C Nala

*2) Item No 4 - Sy. No 13/4 0-34 + 0-23 guntas = 1
acre 17 guntas*

*The Boundaries for 0-34 guntas of land bounded
on;*

East: Land of KN Nagaraju

West: Land of KN Narasimhamurthy

North: Chandri Halla; and



South: Land in Sy No. 12

The Boundaries for 0-23 guntas of land bounded on;

East: Land in Sy No. 12

West: Land in Sy No. 9

North: Land of KN Narasimhaiah; and

South: Land of KN Nagaraju

3) Item No. 9 - One and half site bearing the assessment No. 680/465/1 and measuring 36 feet x 75 feet i.e., 50% of the entire site measuring 36 feet x 150 feet.

East: Road

West: KEB Office

North: Vacant site of TN Satyanarayana and

South: Remaining portion of the site fallen to the share of Appellant/CN Sharadamma

4) Item No. 13 - Sy.No.13, 0-6½ guntas, bounded on;

East: Land of Sy.No.12

West: Land of Sy.No.9

North: Remaining land in Sy.No.13 and

South: Land in Sy.No.11/1

6. The Appellant & Respondent No.1(a) further confirm that they have no claims against each other



in respect of the subject matter involved in the above appeal. Further, the appellant and the Respondent No.1(a) are at liberty to exercise pre-emptive right against each other, in the event either of the parties decide to alienate their share of the properties. Hence, it has become just & necessary to permit the Appellant and Respondent No.1(a) to compromise the above appeal on the above terms.

7. The Parties have no objections to mutate the revenue records, property tax records and khata with regard to their respective shares to their respective names in terms of the aforesaid allotment.

8. The respondent No.1(a) further confirms that he has no objection for the appellant to seek refund of the court fee paid on the present appeal i.e., an amount of Rs 2,671/- (Rupees Two Thousand Six Hundred & Seventy-One Only).

WHEREFORE, the Appellant & Respondent No.1(a) humbly pray that this Hon'ble Court may kindly be pleased to dispose of the above appeal in terms of this compromise petition and registry be directed to draw decree accordingly and order for refund of the court fee in favour of the appellant, in the interests of justice and equity."



4. This Court, after satisfying with the terms of the compromise petition, passes the following order:

- a) The appeal is disposed of in terms of the compromise petition.
- b) The compromise petition filed under Order XXIII Rule 3 r/w. Section 151 of CPC is ordered to be treated as part and parcel of this order.
- c) The Registry is directed to draw the decree in terms of the compromise petition.
- d) The Registry is directed to refund the entire court fee in favour of the appellant, after due verification.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**

CM