



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 7539 OF 2026 (GM-CPC)

BETWEEN:

SRI MUNIYAPPA
S/O LATE MADDURIGA
@ MADDURAPPA
AGED ABOUT 78 YEARS
R/A SHOTHRIYA THELLOHALLI VILLAGE
CHANNARAYAPATNA HOBLI
DEVANAHALLI TALUK
BANGALORE RURAL DISTRICT-562 110.

...PETITIONER

(BY SRI. NITISH K N, ADVOCATE FOR
SRI. K V NARASIMHAN., ADVOCATE)

AND:

1. SMT. INDRAMMA
W/O NARAYANASWAMY S.M
D/O T. D. NARAYANASWAMY
AGED ABOUT 51 YEARS
R/A KURABARA PET, SULEBALE
HOSAKOTE TALUK
BANGALORE RURAL DISTRICT – 562 110.
2. SMT. DODDA AKKAYAMMA
D/O LATE MADDURIGA
@ MADDURAPPA
AGED ABOUT 83 YEARS.
3. SMT. MUNITHAYAMMA,
W/O LATE PATEL CHIKKAMUNIYAPPA
AGED ABOUT 86 YEARS.

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



4. SRI. MALLESH
W/O LATE PATEL CHIKKAMUNIYAPPA
AGED ABOUT 56 YEARS.
5. SRI. CHANDRAPPA,
W/O LATE PATEL CHIKKAMUNIYAPPA
AGED ABOUT 49 YEARS.
6. SRI. MUNISWAMY GOWDA,
W/O LATE PATEL CHIKKAMUNIYAPPA
AGED ABOUT 46 YEARS.
7. SMT. RAJAMMA,
W/O LATE PATEL CHIKKAMUNIYAPPA
AGED ABOUT 58 YEARS.
8. SMT. NANJAMMA,
W/O LATE PATEL CHIKKAMUNIYAPPA
AGED ABOUT 53 YEARS.
9. SMT. SAROJAMMA
W/O LATE PATEL CHIKKAMUNIYAPPA
AGED ABOUT 51 YEARS.
10. SMT. ANANDAMMA
W/O LATE PATEL CHIKKAMUNIYAPPA
AGED ABOUT 48 YEARS.
11. SMT. MANJULA
W/O LATE PATEL CHIKKAMUNIYAPPA
AGED ABOUT 44 YEARS

RESPONDENT NO. 2 TO 11 ARE
R/AT SHOTHRIYA THELLOHALLI VILLAGE
CHANNARAYAPATNA HOBLI
DEVANAHALLI TALUK
BANGALORE RURAL DISTRICT – 562 110.

...RESPONDENTS

(BY SRI. C R GOPALASWAMY, SENIOR COUNSEL FOR
SRI. NISCHAL DEV B R, ADVOCATE FOR C/R1)



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 17/02/2026 PASSED BY LEARNED PRINCIPAL SENIOR CIVIL JUDGE AND JMFC AT DEVANHALLI AT ANNEX-P ON IA NO. 1, 2 AND 3 IN OS NO. 1036/2007.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

1. In this writ petition, the petitioner has called in question the order dated 17.02.2026 passed by the Prl. Senior Civil Judge & JMFC, Devanahalli on I.A.Nos.1 to 3, in O.S.No.1036/2007, whereby the said applications have been allowed and Compromise Decree dated 12.11.2007 passed in the suit, has been recalled.

2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court in Original Suit.

3. The plaintiff filed a suit in O.S.No.1036/2007 before the Trial Court seeking relief of declaration and permanent injunction. Thereafter, the parties to the suit have settled



the matter by way of compromise and the compromise decree was passed on 12.11.2007. Subsequently, the respondent No.1 herein, who claims to be interested in the property filed a petition under Order XXIII Rule 3 & 3A of CPC for recalling the compromise decree dated 12.11.2007 on the ground that it has been obtained by fraud. On the said petition, notice has been issued to the parties in the original suit including the petitioner herein. The matter was initially directed to be posted on 22.04.2026. In the meantime, respondent No. 1 filed a memo for preponing the case. As a result, the matter was posted on 02.01.2026 and notice was issued to the petitioner herein returnable by 12.02.2026. Thereafter, by impugned order dated 17.02.2026, the compromise decree dated 12.11.2007 has been recalled. The notice was received by the petitioner's son. Since the earlier notice received by the petitioner fixed the date as 22.04.2026, the petitioner was unaware of the preponing and therefore, he was not present when the impugned order was passed. Therefore,



aggrieved by the impugned order, the present writ petition has been filed.

4. Learned counsel for the petitioner submits that the compromise decree dated 12.11.2007 was passed by mutual consent and without any fraud. He further contends that the notice regarding the preponement of the hearing was received by the petitioner's son, and the petitioner was unaware of the change in scheduled date. Consequently, the petitioner could not appear when the impugned order was passed. It is urged that, in the interest of justice, the impugned order recalling the compromise decree be set aside and the petitioner be afforded an opportunity to be heard. He further submits that if this Court were to allow the writ petition by affording an opportunity of being heard, the petitioner is ready to appear before the Trial Court on the next date of hearing fixed by the Court without any prior notice.



5. In view of the above facts and circumstances of the case and in the interest of justice, in order to give opportunity to the petitioner, the impugned order is liable to be set aside.

6. Accordingly, the following order is passed:

ORDER

- a) The writ petition is disposed of.
- b) The impugned order dated 17.02.2026 passed by the Prl. Senior Civil Judge & JMFC, Devanahalli on I.A.Nos.1 to 3, in O.S.No.1036/2007, is set aside.
- c) Parties are directed to appear before the Trial Court on 23.04.2026, without awaiting any further notice.
- d) Thereafter, the Trial Court is directed to reconsider the petition filed by the respondent No.1 and pass appropriate orders in accordance with law.

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