



CNR: KAHC010177312017

NC: 2026:KHC:48991
WP No. 44778 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 44778 OF 2017 (GM-CPC)

BETWEEN:

SMT. LAKSHMAMMA
SINCE DEAD BY LRS

1. SRI. SIDDAPPA
S/O VEERANAN @ KAPPANNA
AGED ABOUT 72 YEARS
2. SRI VEERAN JAN GOWDA
S/O SIDDAPPA
AGED ABOUT 48 YEARS
3. SRI MANJUNATH S
S/O SIDDAPPA
AGED ABOUT 46 YEARS
4. SRI ANAND KUMAR S
S/O SIDDAPPA
AGED ABOUT 43 YEARS

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by
ANNAPURNA
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Location: High
Court of
Karnataka

THE PETITIONERS NO.1 AND 4 ARE R/AT
KULUME KEMPALINGANAHALLI
SONDEKOPPA POST, NELAMANGALA TALUK,
BANGALORE RURAL DISTRICT - 562 123



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5. SMT DUNDAMMA
W/O NARAYANAPPA
AGED ABOUT 75 YEARS
R/A LAKKENAHALLI VILLAGE
KULANAHALLI POST
NELAMANGALA TALUK
BANGALORE RURAL DISTRICT
6. SMT LAKSHMAMMA
W/O RAMAIAH
D/O LATE SIDDAPPA
AGED ABOUT 51 YEARS
R/A HAROKETHANAHALLI VILLAGE
DASANPURA HOBLI, MAKLI POST
BANGALORE RURAL DISTRICT
7. SMT GOWRAMMA
W/O SHANAKRAPPA
D/O LATE SIDDAPPA
AGED ABOUT 47 YEARS
R/A KULANAHALLI POST
NELAMANGALA TALUK
BANGALORE RURAL DISTRICT
8. SRI SEETHARAMA
S/O LATE SIDDAPPA
AGED ABOUT 45 YEARS
9. SRI B S KRISHNAMURTHY
S/O LATE SIDDAPPA
AGED ABOUT 44 YEARS

THE PETITIONERS NO.8 AND 9 ARE
R/AT BUDIHAL VILLAGE
NELAMANGALA TALUK, BANGALORE RURAL DISTRICT



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SMT CHENNAMMA W/O DASAPPA
SINCE DEAD BY HER LRS

10. SMT GANGALAKSHMAMMA
D/O CHENNAMMA
R/A NO.42, GOVINDAPPA LAYOUT
WARD NO.18, SUBHASH NAGAR
NELAMANGALA TALUK
BANGALORE RURAL DISTRICT
11. SMT SIDDAMMA
D/O CHENNAMMA
AGED ABOUT 40 YEARS
R/A HANCHIPURA VILLAGE
KASABA HOBLI, NELAMANGALA TALUK
BANGALORE RURAL DISTRICT

...PETITIONERS

(BY SRI. S. NAGARAJA, ADVOCATE)

AND:

1. SRI. GANGAIAH
S/O DODDADUNDAIAH
AGED ABOUT 81 YEARS
2. SRI LOKESH
S/O GANGAIAH
AGED ABOUT 36 YEARS
3. SMT CHIKKAMMA
W/O LATE BYRAPPA
AGED ABOUT 76 YEARS
4. SMT LAKSHMAMMA
W/O LATE CHIKKADUNDAIAH
AGED ABOUT 85 YEARS



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5. SRI ERAPPA
S/O LATE CHIKKADUNDAIAH
AGED ABOUT 65 YEARS

6. SRI BYRAPPA
S/O LATE CHIKKADUNDAIAH
AGED ABOUT 62 YEARS

7. SRI ANNADANAIAH
S/O LATE CHIKKADUNDAIAH
AGED ABOUT 59 YEARS

8. SRI H M SIDDAPPA
S/O MARIYAPPA
AGED ABOUT 85 YEARS

THE RESPONDENTS NO.1 TO 8 ARE
R/AT HANCHIPURA VILLAGE
KASABA HOBLI, NELAMANGALA TALUK
BANGALORE RURAL DISTRICT

9. SRI RANGASWAMAIAH
S/O GOVINDAIAH
AGED ABOUT 51 YEARS

10. SMT GANGAMMA
S/O GOVINDAIAH
AGED ABOUT 48 YEARS

11. SRI KRISHNAPPA
S/O GOVINDAIAH
AGED ABOUT 46 YEARS



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12. SRI PUTTARAMAIAH
S/O GOVINDAIAH
AGED ABOUT 44 YEARS

13. SRI NAGARAJA
S/O GOVINDAIAH
AGED ABOUT 41 YEARS

TEH RESPONDENTS NO.9 TO 13 ARE
R/AT MALLARABANAVADI VILLAGE
KASABA HOBLI, NELAMANGALA TALUK
BANGALORE RURAL DISTRICT

14. SMT GANGAMMA
W/O LATE ANDANAPPA
AGED ABOUT 66 YEARS
R/AT HANCHIPURA VILLAGE
KASABA HOBLI, NELAMANGALA TALUK
BANGALORE RURAL DISTRICT

...RESPONDENTS

(BY SRI. HARSHA D. JOSHI, ADVOCATE FOR R1 AND R2

R4, 6, 7, 12 ARE SERVED V/O DT: 21.06.2021

NOTICE TO R13 IS HELD SUFFICIENT

VIDE ORDER DATED 10.03.2022, WP DISMISSED AGAINST R9,
10 AND R14

VIDE ORDER DATED 02.02.2023, WP AGAINST DECEASED R3,
R5, R8 AND R11 STANDS ABATED)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO-QUASH THE
ORDER DTD 11.07.2016 PASSED BY THE HON'BLE SENIOR



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CIVIL JUDGE AT NELAMANGALA, IN FDP NO.3/2011, VIDE ANNEX-J.CONSEQUENTLY DISMISS THE APPLICATION FILED UNDER SECTION 151 OF CPC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned petition is filed by the petitioners calling in question the order passed by the Final Decree Proceedings Court on an application filed by respondent No.3 under Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC'), seeking recall of the compromise decree dated 03.03.2011 passed in FDP.No.3/2011.

2. Respondent No.3 – Chikkamma was defendant No.9 in the suit and respondent No.3 in FDP.No.3/2011. Her grievance before the Final Decree Proceedings Court was that the petitioners and certain other parties had entered into a compromise by including therein properties which were her self-acquired properties, without notice to her and without bringing to the notice of the Court the adjudication rendered by



this Court in RFA.No.187/1994 connected with RFA.No.522/1998, whereby respondent No.3 had been held entitled to a 1/7th share.

3. The application filed by respondent No.3 under Section 151 of CPC was enquired into by the Final Decree Proceedings Court. Upon consideration of the material on record, the Court below recorded a finding that the compromise had been brought about by suppressing material facts and by playing fraud upon the Court as well as respondent No.3.

4. The finding recorded by the Final Decree Proceedings Court is founded, inter alia, on the fact that the entitlement of respondent No.3 to a 1/7th share had already been determined by this Court. Despite the same, the parties who entered into the compromise proceeded to seek dispensation of notice to respondent No.3 and other parties and secured a compromise decree without placing the aforesaid material before the Court.

5. The Final Decree Proceedings Court has, therefore, recorded a specific finding that the Court was kept in the dark while the compromise was being recorded. It is on this premise



that the compromise decree was recalled and the final decree proceedings were restored to file.

6. The principal contention urged before this Court is that the compromise was recorded by the Lok Adalat and, therefore, the same could not have been recalled by the Final Decree Proceedings Court. Though the said contention has been specifically urged in the memorandum of petition, the proceedings of the Lok Adalat have not been produced.

7. This Court, therefore, called for and examined the records. The records clearly belie the contention urged by the petitioners. The compromise was recorded in FDP.No.3/2011 itself and was not an award passed by the Lok Adalat.

8. The compromise petition produced before this Court, which forms the basis for drawing the final decree, clearly indicates that the compromise was presented in the pending final decree proceedings and was recorded by the Court in open Court. There is nothing on record to indicate that the matter was referred to the Lok Adalat or that the compromise was recorded by the Lok Adalat.



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9. The final decree drawn pursuant to the said compromise is produced at Annexure-E. The order-sheet as well as the final decree make it abundantly clear that the compromise petition was entertained in the pending FDP and that the parties were permitted to enter into compromise in the presence of the learned counsel appearing for some of the parties.

10. Therefore, the very foundation of the petitioners' challenge, namely, that the compromise was recorded by the Lok Adalat, is factually incorrect.

11. Once the compromise is found to have been recorded by the Final Decree Proceedings Court itself, the objection that the said Court had no jurisdiction to entertain an application under Section 151 of CPC does not merit acceptance. More importantly, the jurisdiction of the Court cannot be invoked to sustain an order or decree which is demonstrated to have been obtained by practising fraud upon the Court.

12. In the present case, the Final Decree Proceedings Court, after conducting an enquiry, has recorded a categorical



finding that material facts were suppressed and that the compromise was secured without notice to respondent No.3, despite her entitlement to a 1/7th share having already been determined by this Court. The petitioners have not been able to demonstrate that the said finding suffers from perversity or that the Court below has exercised its jurisdiction contrary to law.

13. A compromise cannot be permitted to operate to the prejudice of a party who was not before the Court and whose adjudicated rights were sought to be dealt with behind her back. The Final Decree Proceedings Court was, therefore, justified in exercising its inherent jurisdiction under Section 151 of CPC to recall the compromise decree upon being satisfied that the same had been procured by suppression of material facts and by fraud.

14. The distinction sought to be drawn by the petitioners on the premise that the compromise was an award of the Lok Adalat is wholly misplaced. The records establish that the compromise was recorded by the Final Decree Proceedings Court in FDP.No.3/2011. Consequently, the proceedings before



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this Court do not involve a challenge to an award of the Lok Adalat.

15. Viewed from any angle, no jurisdictional error, illegality or perversity is demonstrated in the order under challenge. The Final Decree Proceedings Court was justified in recalling the compromise decree and restoring FDP.No.3/2011 to file.

Accordingly, the petition, being devoid of merits, stands **dismissed**.

Pending interlocutory applications, if any, do not survive for consideration and stand disposed of accordingly.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**