



CNR: KAHC010179202017

NC: 2026:KHC:48985  
WP No. 680 of 2017

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 9<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM**

**WRIT PETITION NO. 680 OF 2017 (GM-CPC)**

**BETWEEN:**

1. SRI. VENKATASWAMY  
AGED ABOUT 50 YEARS,  
S/O MUNNERAPPA,
2. SRI. NARAYANASWAMY  
AGED ABOUT 45 YEARS,  
S/O MUNNERAPPA,

BOTH ARE RESIDENTS OF  
MOORANDAHALLI VILLAGE,  
ARAHALLI POST, KASABA HOBLI,  
KOLAR TALUK - 563 101.

...PETITIONERS

(BY SRI. R.P. SOMASHEKARAIHAH, ADVOCATE FOR  
SRI. RAVIKUMAR T.K, ADVOCATE)

**AND:**

1. SMT. RATHNAMMA  
AGED ABOUT 35 YEARS,  
W/O VENKATESHAPPA,  
D/O SONNAPPA,  
PRESENTLY RESIDING AT SEEPUR VILLAGE,  
ARAHALLI POST, KOLAR TALUK - 563 101.

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by  
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Location: High  
Court of  
Karnataka





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2. SMT. BHARATHI  
AGED ABOUT 30 YEARS,  
W/O NARAYANASWAMY,,  
D/O SONNAPPA,  
PRESENTLY R/AT VADEGERE VILLAGE,  
MUDUVATTI POST, VOKKELERI HOBLI,  
KOLAR TALUK - 563 101.
3. SRI. SONNAPPA  
AGED ABOUT 70 YEARS,  
S/O MUNIVERAPPA,
4. SMT. CHENNAMMA  
AGED ABOUT 50 YEARS,  
W/O DEVARAPPA,  
(DELETED)
5. SRI. RAMAPPA  
AGED ABOUT 55 YEARS,  
S/O LATE ERAPPA @ VERAPPA,  
(DELETED)
6. SRI. GOPALLAPPA  
AGED ABOUT 50 YEARS,  
S/O LATE ERAPPA @ VERAPPA,  
(DELETED)
7. MUNEERAPPA  
AGED ABOUT 90 YEARS,  
S/O MUNERAPPA,  
(DIED, THE PETITIONER AND THE  
RESPONDENT NO.3 ARE LR'S OF R7)
8. SRI. VENKATESHAPPA  
AGED ABOUT 70 YEARS,



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S/O LATE MUNIYAPPA,

RESPONDENTS 3 TO 8 ARE  
RESIDENTS OF MOORANDAHALLI VILLAGE,  
ARAHALLI PST, KOLAR TALUK - 563 101.

9. SRI. VENKATAMMA  
AGED ABOUT 85 YEARS,  
S/O MUNISHAMAPPA, KODIHALLI VILLAGE,  
ARAHALLI POST, KASABA HOBLI,  
KOLAR TALUK - 563 101.
10. SRI. CHENNAMMA  
AGED ABOUT 75 YEARS,  
W/O NARAYANAPPA,  
D/O LATE MUNIYAPPA,  
CHELLAHALLI VILLAGE,  
THALAGUNDA POST,  
VOKKALERI HOBLI,  
KOLAR TALUK - 563 101.

...RESPONDENTS

(BY SRI. S. RAJENDRA, ADVOCATE FOR R1 AND R2;  
R3 AND R5 SERVED AND UNREPRESENTED;  
VIDE ORDER DATED 06.04.2026, NOTICE TO R4 TO R6  
AND R8 TO R10 IS DISPENSED WITH;  
VIDE ORDER DATED 16.04.2026, PETITIONERS AND R3  
ARE TREATED AS LR'S OF DECEASED R7)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE  
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER  
DTD 20.7.2016 PASSED ON APPLICATION FILED UNDER  
SECTION 151 OF THE CODE OF CIVIL PROCEDURE IN  
R.A.NO.104/2011 AND ALSO ORDER ACCEPTING THE  
COMPROMISE PETITION DTD 25.2.2014 FILED IN



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R.A.NO.104/2011 ON THE FILE OF PRINCIPAL DISTRICT AND SESSIONS JUDGE KOLAR VIDE ANNEXURE-L & J RESPECTIVELY AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

**ORAL ORDER**

The captioned writ petition is filed calling in question the order passed by the Lok Adalat accepting the joint compromise petition filed by the parties in R.A.No.104/2011.

2. Learned counsel appearing for respondents No.1 and 2 submits that he has already retired from the proceedings. It is submitted that, along with the memo of retirement, notices were issued to respondents No.1 and 2 by RPAD. Learned counsel has placed on record the RPAD acknowledgments evidencing due service of notice upon respondents No.1 and 2. Despite service of notice through the counsel who was earlier on record, respondents No.1 and 2 have not chosen to engage another counsel or otherwise contest the present proceedings.



3. Hence, this Court is of the view that respondents No.1 and 2 have elected not to contest the writ petition.

4. Heard learned counsel appearing for the petitioners. Perused the material on record and examined the impugned order as well as the proceedings culminating in the acceptance of the compromise.

5. The facts of the present case disclose a classic instance of abuse of the process of the Court and also demonstrate the manner in which the proceedings before the Appellate Court have been dealt with by permitting the parties to selectively record a compromise. The order sheet dated 25.02.2014 makes it evident that the contesting respondents had not signed the joint compromise petition. In that view of the matter, it would be apposite to extract the relevant portion of the order passed by the Lok Adalat while recording the compromise during the pendency of R.A.No.104/2011. The relevant portion reads as follows:

*"Both parties are directed to bear their own costs. Sri. NDS, Advocate, files memo stating that he does not press the appeal against Respondents No.3 to 11. Hence, the*



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*appeal against Respondents No.3 to 11 is dismissed as not pressed."*

6. The aforesaid order gives rise to serious legal and procedural infirmities. It is rather surprising that, despite the presence of the contesting respondents, the Lok Adalat entertained a memo purporting to dispense with notice to respondents No.3 to 11 and proceeded to dismiss the appeal insofar as those respondents were concerned. Respondents No.3 to 11 are parties to the partition proceedings and include the present petitioners. In a partition suit, the rights of the parties are necessarily interlinked, and a compromise between some of the parties cannot be permitted to operate in a manner that prejudices or affects the rights of the remaining parties without their consent.

7. Once the appeal came to be dismissed as against respondents No.3 to 11, the judgment and decree passed by the Trial Court in O.S.No.384/2007 would attain finality insofar as those respondents are concerned. The procedure adopted by the Appellate Court in referring the matter to the Lok Adalat, without ensuring notice to the present petitioners and the other



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contesting respondents, has therefore resulted in an anomalous and legally unsustainable situation.

8. What is more disturbing is that, while respondents No.1, 2 and 3 were permitted to enter into a compromise and a fresh final decree was subsequently drawn pursuant to the settlement before the Lok Adalat, the preliminary decree passed in O.S.No.384/2007 continued to remain operative insofar as respondents No.3 to 11 were concerned. The consequence is that two inconsistent sets of decrees have emerged from the very same suit. Such a situation could not have been permitted in law.

9. The Appellate Court, while exercising its appellate jurisdiction, could not have referred the matter to the Lok Adalat in a manner that permitted a compromise to be recorded selectively and, at the same time, permitted the appeal against the remaining parties to be dismissed by way of a memo. The Lok Adalat, in turn, had no jurisdiction to adjudicate upon the rights of parties or to pass an order dismissing the appeal against parties who had neither consented to the compromise nor participated in the settlement.



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10. It is well settled that a Lok Adalat does not possess adjudicatory jurisdiction. Its jurisdiction is founded upon the consent of the parties and its role is confined to facilitating a settlement between the parties. A settlement before the Lok Adalat cannot be imposed upon a party who has not consented thereto, nor can the Lok Adalat adjudicate upon or determine the rights of non-consenting parties.

11. In the present case, the Lok Adalat, while entertaining the joint compromise petition, not only permitted respondents No.1, 2 and 3 to enter into a compromise, but also entertained a memo purportedly filed on behalf of respondents No.1 and 2 and proceeded to dismiss the appeal against respondents No.3 to 11. Such a course was plainly beyond the jurisdiction of the Lok Adalat and has resulted in serious prejudice to the present petitioners.

12. There is yet another fundamental aspect which appears to have escaped the attention of the Appellate Court. The present petitioners already had the benefit of a final decree drawn in O.S.No.217/2007 between the same parties in respect of the subject properties. The said suit had culminated in a



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compromise decree followed by the drawing up of a final decree.

13. In such circumstances, the very maintainability of the subsequent suit in O.S.No.384/2007 by respondents No.1 and 2 in respect of the same properties was a matter requiring consideration before the Appellate Court proceeded to entertain a compromise. The existence of the earlier compromise decree and the final decree in O.S.No.217/2007 was a material and fundamental circumstance which could not have been ignored while considering the subsequent proceedings and the purported settlement between some of the parties.

14. Thus, the proceedings suffer from infirmities on two fundamental counts. First, the compromise was permitted to be recorded selectively, notwithstanding that the rights of the parties flowed from a common partition decree and notwithstanding the absence of consent of the present petitioners and other contesting respondents. Secondly, the Appellate Court failed to examine the effect of the earlier compromise decree and final decree passed in



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O.S.No.217/2007 before permitting the parties to enter into a fresh settlement concerning the very same properties.

15. Viewed cumulatively, these circumstances demonstrate that the proceedings culminating in the impugned order have resulted in an abuse of the process of the Court. The compromise recorded before the Lok Adalat, and the consequential order passed therein, cannot therefore be sustained.

16. Respondent No.3, who was the appellant in R.A.No.104/2011, has been duly served and has not chosen to contest the present writ petition. Respondents No.1 and 2, despite service, have also not chosen to contest the proceedings. Nevertheless, the absence of contest by the respondents cannot validate an order which is otherwise without jurisdiction and legally unsustainable.

17. For the foregoing reasons, this Court is of the considered view that the order accepting the compromise petition cannot be sustained and is liable to be quashed.

18. Accordingly, the following:



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### **ORDER**

- i. The writ petition is **allowed**.
- ii. The order passed by the Lok Adalat accepting the compromise petition dated 25.02.2014 in R.A.No.104/2011, as also the consequential order dated 20.07.2016, insofar as applicable and forming the subject matter of challenge, are hereby quashed.
- iii. Consequently, the compromise recorded pursuant to the compromise petition dated 25.02.2014 shall not bind the present petitioners or operate to their prejudice.
- iv. Pending interlocutory applications, if any, stand disposed of in view of the disposal of the writ petition.

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

HDK  
List No.: 1 Sl No.: 3