



CNR: KAHC010179622017

NC: 2026:KHC:40685-DB
RFA No. 132 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

REGULAR FIRST APPEAL NO. 132 OF 2017 (PAR-)

BETWEEN:

1. SMT S HEMAVATHI
AGED 60 YEARS,
W/O SRI.T.N.JAGADEESAN
D/O LATE SRI M.SHANMUGA RAJAN,
R/AT NO.1, BALAJI KOIL STREET,
K.KAMARAJ ROAD CROSS, CIVIL STATION,
BENGALURU-560 042.
2. SMT.S.SHOBAVATHI
AGED 58 YEARS, W/O SRI T.K.ESAR KUMAR,
D/O LATE SRI M.SHANMUGA RAJAN
R/AT F-2, SHREE ANAND FLATS, NEW NO.14,
3RD MAIN ROAD, THILLAI GANGANAGAR
NANGANALLUR, CHENNAI-600 061.
3. SMT.S.NIRMALA
AGED 54 YEARS,
W/O SRI S.SAI KUMAR,
D/O LATE SRI.M.SHANMUGA RAJAN,
R/AT NO.9, ANTHONY LAYOUT, BEGUR
BENGALURU-560 076.

...APPELLANTS

(BY SRI. G R MOHAN.,ADVOCATE)

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka



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AND:

1. SRI S UMAPATHI
AGED 49 YEARS,
S/O LATE SHANMUGA RAJAN,
SINCE DECEASED BY LRS,
1(a) SMT.PREMALEELA KUMARI
AGED 47 YEARS,
W/O LATE S.UMAPATHI
- 1(b) MS.LAVANYA
AGED 26 YEARS,
D/O LATE S.UMAPATHI,
- (1c) SRI.GANESHA
AGED 22 YEARS,
S/O LATE S.UMAPATHI

SL.NO.1(A) TO (C) ARE RESIDING AT
NO.250, GOKULAM II STAGE,
VANIVILAS MOHALLA,
MYSORE-570 002

...RESPONDENTS

(BY SRI.SANGAMESH R.B.,ADVOCATE FOR R1(a to c))

RFA FILED UNDER SEC.96 AND ORDER 41 RULE 1 OF
CPC., AGAINST THE JUDGMENT AND DECREE DATED
26.10.2016 PASSED IN OS.NO.1243/2007 ON THE FILE OF THE
PRL. SR.CIVIL JUDGE AND CJM, MYSURU, DISMISSING THE
SUIT FOR PARTITION AND SEPARATE POSSESSION.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

This Regular First Appeal under Section 96 and Order 41, Rule 1 of the Code of Civil Procedure, has been filed impugning the Judgment/Decree dated 26.10.2016 passed in O.S.No.1243/2007 by the Appellants/plaintiffs

2. During the course of pendency of this appeal, the parties have settled their dispute amicably among themselves. Parties are present in the court. They have also filed the copies of their adhaar card as their identity proof. The parties present in the court have been duly identified by their respective counsels representing them before this Court.

3. They have filed a compromise petition under Order XXIII Rule 3 of CPC for passing a consent decree in terms of compromise with the parties. The terms of compromise would read as under:



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COMPROMISE PETITION FILED BY THE APPELLANTS AND
RESPONDENTS UNDER ORDER 23 RULE 3 OF CPC

It is most respectfully submitted by the Appellants and Respondents as follow;

The above appeal is filed by the appellants who were the plaintiffs before the Hon'ble Principal Senior Civil Judge and CJM Court at Mysore, challenging the Judgment and decree dated 26-10-2016 passed in O.S No 1243/2007 which suit filed by the Appellants against the respondents for partition and separate possession came to be dismissed.

At the intervention of well-wishers, relatives and friends, both the Appellants and Respondents have mutually compromised the above appeal as hereunder; 1

1. The appellants and deceased original defendant Late S.Umapathy are all brothers and sisters and are children of The present respondents are the wife and children of M.Shanmuga Raian. Now the said S.Umapathy is no more deceased Original defendant S. Umapathy

2. The appellants admit and declare that the deceased original defendant Late Sri S.Umapathy had acquired the suit schedule property mentioned in O.S No 1243/2007 under Registered WILL dated 10-03-1989 executed by their father demise of S. Umapathy the legatee under the aforesaid WILL. M.Shanmuga Rajan. Further, declare and admit that in view of full right. title and interest in and upon the aforesaid property the respondents being the legal Class I heirs have acquired and are in possession of the same

3 The appellants henceforth are not claiming any right over the suit schedule property in view of the declaration made with respect to the WILL executed by M.Shanmuga Rajan and thus admit that the Respondents are the absolute owners in possession of the suit property

4. In view of the compromise arrived by the Appellants, the respondents are out of love and affection are paying a



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sum of Rs 2,50,000/- (Rs Two Lakhs Fifty Thousand Only) to the 1st Appellant by way of D.D bearing No 696857, drawn on State Bank of India dated 03-06-2026 in favor of the 1st Appellant.

5. Likewise, the respondents are also paying a sum of Rs 2,00,000/- (Rs Two Lakhs Only) to the 3rd Appellant by way of D.D bearing No 696856, drawn on State Bank of India dated 03-06-2026 in favor of the 3rd Appellant.

6. The 2nd Appellant is not claiming any amount.

7 The appellants jointly declare that they do not have any right of any sort or share and shall not claim the same in and upon the suit schedule property and shall be exclusively held and enjoyed by the respondents.

8. In view of the compromise entered. all the appellants have no objections for respondents to receive all the documents filed by both the appellants as plaintiffs and the respondents as defendants before the Hon'ble Pri Senior Civil Judge Court at Mysore in O.S No 1243/2007 for better enjoyment of the suit schedule property by the respondents

9. The respondents are entitled to get this compromise decree drawn registered before the Office of the Sub-Registrar at Mysore at their own cost.

10. This compromise is being entered by the appellants and respondents voluntarily and without any force, coercion or otherwise and the compromise so entered in legal and not against any public policy.

Wherefore, under the facts and circumstances, both the appellants and respondents most humbly prays that the Hon'ble Court be pleased to accept the Compromise petition on record and shall dispose of the above appeal in terms of this compromise and to pass decree accordingly.

East by : 12th Cross Road
North by : Site No 249
South by : Site No 251
North by : 1st A Main Roads



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4. The parties have put their signatures on each page of the compromise petition along with their respective counsel.

5. We have ascertained that the compromise has been entered into between the parties without any fear, coercion or undue influence and it is out of their choice and free will.

6. In view thereon, we dispose of this appeal in terms of the compromise arrived at between the parties.

7. Draw the decree in terms of the compromise.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE