



CNR: KAHC010189952023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

REVIEW PETITION NO.185 OF 2023

BETWEEN:

SRI. G.B. ESWARAPPA,
S/O GOWDRA BANAPPA
AGED ABOUT 68 YEARS
R/AT HOUSE NO.1711 AND 1712,
'SUMANA', 5TH MAIN ROAD,
JUDICIAL LAYOUT,
OPPOSITE JAKKURU
AERODROME GKVK POST
BENGALURU – 560 065

...PETITIONER

(BY SRI. MADHUKAR M. DESHPANDE, ADVOCATE)

AND:

1. SMT MUNITHAYAMMA
W/O MUNIYAPPA,
AGED ABOUT 72 YEARS
R/AT ALLALSANDRA VILLAGE,
GKVK POST, BANGALORE-560 065
2. SMT CHANDRAVATHI
W/O KRISHNAPPA M
D/O LATE PAPAMMA
AGED ABOUT 48 YEARS
R/AT NO.86, ALLASANDRA,
BENGALURU NORTH,
GKVK POST
BENGALURU-560065



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3. SMT ANJANAMMA
W/O PAPANNA,
AGED ABOUT 61 YEARS
R/AT ALLALSANDRA VILLAGE,
GKVK POST, BANGALORE-560 065
4. THE COMMISSIONER
BRUHAT BENGALURU MAHANAGARA PALIKE
N.R.SQUARE, HUDSON CIRCLE,
BENGALURU-560 002
5. THE JOINT COMMISSIONER
BRUHAT BENGALURU MAHANAGARA PALIKE,
YELAHANKA DIVISION,
BYATARAYANAPURA, BENGALURU-560 092.
6. THE ASSISTANT REVENUE OFFICER
BRUHAT BENGALURU MAHANAGARA PALIKE,
YELAHANKA SATELLITE TOWN,
BENGALURU-560 092.
7. SMT KAMALAMMA
W/O SRI.NARAYANASWAMY,
MAJOR BY AGE R/AT NO.460,
GOWRINILAYA, NEAR SHANI MAHATMA TEMPLE,
ALLALASANDRA, G.K.V.K. POST,
BENGALURU-560 065.
8. SMT D SUDHA
D/O SRI.DHARMA REDDY,
W/O SRI.M.RAMAMURTHY,
R/AT NO.1850/51, 7TH MAIN,
7TH CROSS, JUDICIAL LAYOUT,
G.K.V.K. POST,
BENGALURU-560 065.

...RESPONDENTS

(BY SRI. MITHUN G A., ADVOCATE FOR R1 TO R3;
SRI.B.S.KARTHIKEYAN, ADVOCATE FOR R4, R5 AND R6;
R7 AND R8 ARE SERVED AND UNREPRESENTED)



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THIS REVIEW PETITION IS FILED UNDER SECTION 114 R/W ORDER XLVII RULE 1 OF CPC, 1908, PRAYING TO REVIEW THE ORDER DATED 17.11.2022 PASSED BY THIS HONBLE COURT IN W.P.NO.10086/2019 (LA-BMP) AND ETC.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

By order dated 17.11.2022 passed in W.P.No.10086/2019, in respect of which, the present review petition is filed, this Court at paragraph Nos.5, 6, 7 and 8 had passed the following order:

"5. Learned counsel for the petitioners does not dispute the pendency of the execution petition filed them in Ex.P.No.680/2009, in which respondent Nos.4 to 6 have filed applications under order 21 Rule 58 and 97 to 101 claiming title in respect of two site Nos. 1818 and 1840 in their favour. It is also not disputed that being aggrieved by an order passed in the said execution petition petitioners herein filed writ petition in W.P.No.1519/2020 (GM-CPC) in which execution proceedings have been stayed.

6. In view of the above, the undisputed fact of pendency of execution petition in which respondent Nos.4 to 6 claiming right in respect of two of the sites, the endorsement at Annexure-A issued by the respondent No.3 keeping in abeyance the online applications filed by the petitioners as



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per Annexure-B-1 to B-4 until determination of the applications filed by the respondents 4 to 6 pending consideration in Execution Petition No.680/2009 cannot be found fault with. Thus, no irregularity and illegality can be found with the endorsement issued by the respondent No.3-authority.

7. However, it is brought to the notice of this court the respondent Nos.4 to 6 are claiming their rights only in respect of two of the sites bearing Nos. 1818 and 1840 and there is no claim with regard to other two sites namely, Site Nos.1711 and 1712. In that view of the matter, the respondent No.3-authority may consider the applications filed by the petitioners for registration of khatha in respect of the said two sites namely site Nos. 1711 and 1712 which are not being claimed by respondents 4 to 6.

8. As regards the other two sites the applications made by the petitioners may be considered after the disposal of the matter pending consideration in execution proceedings in Ex.P.No.680/2009 and in the writ petition in WP No.1519/2020 (GM-CPC). It is also made clear that the consideration of applications shall be made keeping in mind the interim orders if any passed in the writ petition."

2. The present review petition is filed by respondent No.6 in the said writ petition.

3. Learned counsel for review petitioner submits that reference in the said order by this Court to respondent No.6 is an error apparent on the face of the



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record in as much as, petitioner herein who was respondent No.6 in the writ petition had indeed filed statement of objections claiming his independent rights in respect of Site Nos.1711 and 1712. Though respondent No.6/petitioner herein was represented by a learned counsel, on the said date, a junior colleague was present and he could not bring to the notice of this Court. Hence, the error has crept in. He submits that if the observation of respondent No.6/petitioner herein not having any claim with respect to said sites is obliterated from the said order, the purpose of the present review petition will be served.

4. The submission is placed on record.

5. Learned counsel for respondent Nos.1 to 3 in review petition, who were the petitioners in the aforesaid writ petition, submits that review petitioner herein claims to have purchased the said sites subsequent to execution of compromise decree in favour of respondent Nos.1 to 3 –



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petitioners in writ petition/decreed holders in the Execution No.680/2009. As such, the said compromise decree is binding on the petitioner as well. He submits that the respondent No.6/petitioner herein needs to establish his right independently, if so, permissible in law.

6. Be that as it is, since the grievance of the petitioner is only to the extent of observation made in paragraph No.7 of the aforesaid order in the writ petition, the petition is ***disposed of*** clarifying that the observation made in the aforesaid paragraph No.7 of the order shall not apply to respondent No.6 herein.

7. Respondent No.6 is at liberty to avail the remedy as available in law and permissible under law. However, it is further clarified that the respondent - Corporation may proceed based on the decree produced by the respondent Nos.1 to 3/petitioner/decreed holder, unless the same is reversed by a competent Court of law.

8. Accordingly, this review petition is ***disposed of***.



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9. In view of disposal of the petition,
I.A.No.2/2023 does not survive for consideration.
Accordingly, the same is disposed of.

**Sd/-
(M.G.S. KAMAL)
JUDGE**

MDS
List No.: 1 SI No.: 10