



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

**DATED THIS THE 21<sup>ST</sup> DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR**

**REGULAR SECOND APPEAL NO. 1331 OF 2012 (DEC-)**

**BETWEEN:**

- 1 SRI BHEEMANNA  
SINCE DEAD, BY HIS LRs
- 1(a) SMT. CHOWDAMMA  
W/O LATE BHEEMANNA  
AGED ABOUT 75 YEARS,  
SINCE DEAD REP. BY APPELLANT 1(b) TO (h)
- 1(b) SMT. LAKSHMAMMA,  
W/O THIMMAREDDAPPA,  
AGED ABOUT 55 YEARS,
- 1(c) SRI NARASINGAPPA  
S/O LATE BHEEMANNA,  
AGED ABOUT 53 YEARS,
- 1(d) SRI KRISHNAPPA  
S/O LATE BHEEMANNA  
AGED ABOUT 51 YEARS,
- 1(e) SRI CHANNAPPA  
S/O LATE BHEEMANNA,  
AGED ABOUT 49 YEARS
- 1(f) SRI MANJUNATH,  
S/O LATE BHEEMANNA,  
AGED ABOUT 47 YEARS,
- 1(g) SMT. GOWRAMMA,  
W/O JAYARAMAIAH,  
AGED ABOUT 43 YEARS,
- 1(h) SRI YOGESH,  
S/O LATE BHEEMANNA,  
AGED ABOUT 38 YEARS,



A-1(a) TO A-1(h) ARE ALL  
RESIDING AT CHEMBENAHALLI VILLAGE,  
DODDERI HOBLI,  
MADHUGIRI TALUK,  
TUMKUR DISTRICT – 572 132

...APPELLANTS

(BY SRI. MALLIKARJUN N.K., ADVOCATE FOR  
SRI. A. SAMPATH, ADVOCATE)

**AND:**

1. SAROJAMMA  
AGED ABOUT 62 YEARS,  
W/O LATE GANGANNA
2. HANUMANTHARAYAPPA  
AGED ABOUT 34 YEARS,  
S/O LATE GANGANNA,
3. LALITHA  
AGED ABOUT 37 YEARS,  
D/O LATE GANGANNA,
4. GOPANNA  
SINCE DEAD BY HIS LRs
- 4(a) SMT. PUTTALINGAMMA,  
W/O LATE GOPANNA,  
AGED ABOUT 55 YEARS,  
R/A IDLY HOTEL,  
OPP. MADHURA HOTEL,  
TUMKUR GATE,  
MADHUGIRI (P)
- 4(b) SMT. SHARADAMMA,  
W/O LATE GOPANNA,  
AGED ABOUT 45 YEARS,  
R/AT CHAMBENAHALLI,  
SAJJE HOSHALLI POST,  
DODDERI HOBLI,  
MADHUGIRI TALUK,  
TUMKUR DISTRICT.



4(c) VIJAYAKUMARI,  
W/O RAMESH,  
AGED ABOUT 35 YEARS,  
D/O LATE GOPANNA,  
R/AT BYALYA BUS STAND,  
PURAVARA HOBLI,  
MADHUGIRI TALUK,  
TUMKUR DISTRICT

...RESPONDENTS

(BY SRI. VENKATESH R. BHAGAT, ADVOCATE FOR R1 TO R3;  
SRI. JAI PRAKASH REDDY, ADVOCATE FOR R4 (A TO C))

THIS RSA IS FILED UNDER SEC.100 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 17.04.2012 PASSED IN R.A.NO.82/2005 ON THE FILE OF THE PRESIDING OFFICER, FAST TRACK COURT-V, MADHUGIRI, ALLOWING THE APPEAL AND SETTING ASIDE THE JUDGMENT AND DECREE DATED 05.04.205 PASSED IN O.S.NO.27/2003 ON THE FILE OF THE PRL. CIVIL JUDGE (JR.DN) MADHUGIRI.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

### **ORAL ORDER**

This appeal, by the respondents in R.A.No.82/2005, is directed against the impugned judgment and decree dated 17.04.2012 on the file of the Fast Track Court-V at Madhugiri, wherein the appellate Court has set aside the judgment and decree dated 05.04.2005 passed in O.S.No.27/2003 on the file of Principal Civil Judge (Jr.Dn.) Madhugiri.



2. The parties have amicably settled the dispute by way of Memorandum of Compromise Petition. The Compromise petition, Affidavits of Channappa, Sarojamma, Hanumantharayappa, Lalitha, Puttalingamma, Sharadamma and Vijayakumari, all dated 21.04.2026, read as under:

**“COMPROMISE PETITION UNDER ORDER XXIII  
RULE 3 READ WITH SECTION 151 OF C.P.C. 1908.”**

*The Parties to this Appeal, begs to submit as under:*

*1. The Appellants are before this Hon'ble Court being aggrieved by the Judgement and Decree passed on the file on the Fast Track Court-V at Madhugiri in R.A.No.82/2005 dated 17.04.2012 seeking to set aside the same and consequently, confirm the Judgment and Decree dated 05.04.2005 in O.S.No.27/2003 on the file of the Principal Civil Judge (Jr.Dn.), Madhugiri. Subsequent to the Death of the Appellant, his LR's have come on record as Appellants 1(a) to 1(h) and subsequent to the Death of Respondent No.4, his LR's have come on record as Respondents 4(a) to 4(c)*

*2. The Appellants 1(a) to 1(d) and 1(f) to 1(h) have appointed Appellant 1(e) Sri. Channappa, as their Attorney Holder and have empowered him to conduct this case and also enter into any compromise before this Hon'ble in Courts of Law and to sign the required documents on their*



*behalf as per the General Power of Attorney dated 20/02/2026.*

*3. At the instance of the well-wishers and friends, the parties have amicably settled the dispute.*

*4. The Respondent Nos. 4(a) to 4(c) along with their children have entered into an Agreement of Sale without Possession dated 05.09.2022 Registered vide Document No.2483/2022-23 with Appellants 1(d) and 1(e) as per the terms which they have agreed to convey a portion of land in Sy.No.67 measuring 3 Acres 9 ½ Guntas situated at Chambenahalli Village, Doddderi Hobli, Madhugiri Taluk, Tumakuru District.*

*5. It is pertinent to note that, the original appellant has passed away, leaving behind the Appellants No 1(a) to 1(h) who are already on record. Further, Appellant 1(b) to (c) and 1(t) to 1(h) have expressed No Objections to the execution of the said Agreement of Sale dated 05.09.2022 in favour of Appellant Nos. 1(d) and 1(e) which is supplemented by them by appointing Appellant No.1(e) as their Power of Attorney holder. In case, after this settlement and Compromise Petition earlier filed inter-se between the Appellants and Respondent No-4(a) to (c), if fails to come forward to execute the Sale Deed in tune with Agreement of Sale, the Appellant Nos. 1(d) and 1(e) are entitled get the sale Deed in their name by filing Execution Petition before the competent court in tune with this Compromise Decree and the Agreement of Sale Dated 05.09.2022.*



6. *It is submitted that, Sy.No.67 measuring 6 Acres 19 Guntas situated at Chambenahalli Village, Doddderi Hobli, Madhugiri Taluk, Tumakuru District, which is the Suit Schedule Property more fully described in the Schedule 'A' here under and hereinafter referred to as Schedule 'A' Property more fully described in the Sketch enclosed to this Compromise Petition, for the sake of brevity.*

7. *Whereas the Original Plaintiffs Sri. Ganganna and Sri. Gopanna have filed Suit in O.S.No.27/2003 against the Original Defendant Sri. Bheemanna, for Declaration and Delivery of encroached portion of 2 Acres 6 Guntas of land from the hands of the Defendant. Said Suit in O.S.No.27/2003 was dismissed as per Judgment and Decree dated 03.04.2005. The Plaintiffs have preferred R.A.No. 82/2005 on the file of the Fast Track Court- V at Madhugiri and the said Appeal came to be allowed and the Suit came to be Decreed directing the Defendant to deliver the possession of land measuring 2 Acres 6 Guntas to the Plaintiffs as per Survey Sketch produced by the Court Commissioner.*

8. *Now the LRs of the Original Plaintiffs and LRs of the Original Defendants have come forward to settle the issue. Accordingly, the parties have agreed that, in tune with the Agreement to Sale dated 05.09.2022 Registered as Document No.MDG-1-02483/2022-23 in Book-I, Stored in C.D.No.MDGD1213 before the Office of the Sub-Registrar, Madhugiri, the Appellants are entitled to **Schedule 'B' Property**, more fully described in the Sketch enclosed to*



*this Compromise Petition, being 3 Acres 9-2 Guntas of land in Survey No.67 and the Respondent Nos. 1 to 3 herein are having no Objection what so ever to go ahead with the Registration of the Sale Deed of the **Schedule 'B' Property** from the Respondent Nos. 4a to 4c in favour of the Appellant Nos. 1(d) and 1(e) herein.*

*9. The Respondent Nos. 1 to 3 herein are also having No Objection to Phodi the land in Survey No.67 and to get a Separate RTC regarding **Schedule 'B' and 'C' Properties** respectively. The Respondent Nos. 1 to 3 herein will undertake to co-operate the Appellants and the Respondent Nos. 4a to 4c to obtain Phodi Durust Proceedings with the Jurisdictional Tahsildar.*

*10. The Respondent Nos.1 to 3 herein have put in possession of the **Schedule 'C' Property** more fully described in the Sketch enclosed to this Compromise Petition, and they can enjoy the said Property in terms of this Compromise Petition.*

*11. Likewise, the Respondent 4(a) to 4(c) herein were put in possession of the **Schedule 'B' Property** and in-turn in tune with the Agreement to Sale dated 05.09.2022 Registered as Document No.MDG-1-02483/2022-23 in Book-1, Stored in C.D.No.MDGD1213 before the Office of the Sub-Registrar, Madhugiri, referred to supra property was allotted to Appellant Nos. 1(d) and 1(e) jointly.*

*11. The Appellant Nos.1d and 1e are at liberty to get execute the Sale Deed in their names in pursuance to the*



*Agreement to Sale dated 05.09.2022 Registered as Document No.MDG-1-02483/2022-23 in Book-I, Stored in C.D.No.MDGD1213 before the Office of the Sub-Registrar, Madhugiri.*

*12. In view of the above Compromise Petition, the parties to this Suit requests this Hon'ble Court to direct the Registry to draw the Decree in terms of this Compromise Petition. In case, the parties fail to adhere to the terms and conditions contained in this Compromise Petition, which culminates into a Decree, the same shall be executed in accordance with law.*

*13. It is mutually agreed between the parties that, the Court Fees paid in this Suit by the Plaintiffs may kindly be refunded as per law for which the Defendant/Appellants are having no objections whatsoever.*

*14. There is no compulsion or coercion to enter into this Compromise Petition. The parties to the above Suit have voluntarily entered into this Compromise Petition.*

*15. Therefore, the parties to the above Appeal prays that this Hon'ble Court may be pleased to Pass the Decree in terms of this Compromise Petition, in the interest of Justice and Equity.*

**WHEREFORE**, *this Hon'ble Court may be pleased to Dispose Off the Appeal in terms of this Compromise Petition in the interest of Justice and Equity.*



**SCHEDULE 'A' PROPERTY**  
**(AS PER SUIT IN O.S.No.27/2003)**

Land bearing Survey No.67 measuring 6 Acres 19 Guntas assessed at Rs.6-94 Paises situated at Chambenahalli Village, Doddderi Hobli, Madhugiri Taluk, Tumakuru District, bounded on:

East by : Land of Sri. Hanumantharayappa and others;

West by : Land of the Defendant;

North by : Land of the Defendant; and

South by : Land of the Plaintiffs.

**SCHEDULE 'B' PROPERTY**  
**(Now allotted to the Respondent Nos. 4(a) to 4(c) being the LRs of Original Plaintiff No.2 Sri. Gopanna) in turn Agreed to be sold to the Appellant No**

Land bearing Survey No.67 measuring 3 Acres 9-1/2 Guntas situated at Chambenahalli Village, Doddderi Hobli, Madhugiri Taluk, Tumakuru District, bounded on:

East by : Remaining Portion of Land in Survey No.67 Allotted to Respondent No.1 Sri. Ganganna and LRs of Respondent Nos. 1 to 3;

West by : Land in Survey No.68;

North by : Land in Survey No.69; and

South by : Land in Survey No.66.

**SCHEDULE 'C' PROPERTY**  
**(Now Possession is Handed over to the Lrs of Original Plaintiff No.1 Sri. Ganganna viz. Smt. Sarojamma, Sri. Hanumantharayappa and Smt. Lalitha)**



*Land bearing Survey No.67 measuring 3 Acres 9-1/2  
Guntas situated at Chambenahalli Village, Doddderi Hobli,  
Madhugiri Taluk, Tumakuru District, bounded on:*

*East by : Land in Survey Nos.70 and 71;*

*West by : Portion of Land in Survey No.67 now  
allotted to Sri. Gopanna in-turn sold to  
LRs of Sri. Bheemanna;*

*West by : Land in Survey No.68;*

*North by : Land in Survey No.69; and*

*South by: Land in Survey No.66.*

**AFFIDAVIT**

*1, Channappa, S/o Late Sri. Bheemanna, Aged about  
62 Years, R/at: Chembenahalli Village, Dodderi Taluk,  
Madhugiri District, Tumkur District 572 132, today at  
Bengaluru, do hereby state on oath as under:*

*1. I state that, am the Appellant No.1(e) and also  
GPA holder for Appellant Nos. 1(a) to(d) and 1(f) to 1(h),  
who have Authorised me to swear to this Affidavit, hence  
swearing to this Affidavit.*

*2. I state that, we have filed the Compromise Petition  
to Dispose Off the R.S.A.No.1331/2012 and Pass the  
Decree in terms of this Compromise Petition.*

*3. Therefore, it is humbly prayed that this Hon'ble  
Court may be pleased to accept the Compromise Petition  
as Prayed for in the Interest of Justice and Equity.*



*Wherefore, it is prayed that this Hon'ble Court may be pleased to allow the accompanying Compromise Petition as prayed for, in the Interest of Justice and Equity.*

**AFFIDAVIT**

*We, (1) **Sarojamma**, w/o Late Sri Ganganna, Aged about 62 years, (2) **Hanumantharayappa**, 5/o Late Sri. Ganganna, Aged about 34 years and (3) **Lalitha**, D/o Late Sri. Ganganna, Aged about 37 years, R/at: Chembenahalli Village, Dodderi Taluk, Madhugiri District, Tumkur District 572 132, today at Bengaluru, do hereby state on oath as under:*

*1. We state that, we are the Respondent Nos. 1, 2 and 3 in the above Suit, hence we are swearing to this Affidavit.*

*2. We state that, we have filed the Compromise Petition to Dispose Off the R.S.A.No.1331/2012 and Pass the Decree in terms of this Compromise Petition.*

*3. Therefore, it is humbly Prayed that this Hon'ble Court may be pleased to accept the Compromise Petition as Prayed for in the Interest of Justice and Equity.*

*Wherefore, it is prayed that this Hon'ble Court may be pleased to allow the accompanying Compromise Petition as prayed for, in the Interest of Justice and Equity.*

**AFFIDAVIT**

*We, (1) **Puttalingamma**, W/o Late Sri. Gopanna, Aged about 55 years, R/a Idly Hotel, Opp. Madhuri Hotel, Tumkur Gate, Madhugiri, (2) **Sharadamma**, W/o Late*



*Sri.Gopanna, Aged about 45 years, R/a Chambenahalli, Sajje Hosahalli Post, Dodderi Hobli, Madhugiri Taluk, Tumkur Dist and (3) **Vijayakumari**, D/o Late Sri. Gopanna, Aged about 35 years, R/a Byalyu Bus Stand, Puravara Hobli, Madhugiri Taluk, Tumkur District, today at Bengaluru, do hereby state on oath as under:*

*1.We state that, we are the Respondent Nos.4(a), 4(b) and 4(c) in the above Appeal, hence 2nd of Me is swearing to this Affidavit for myself and also for Respondents No 4(a) and 4(c) as I am Representing them as their GPA holder (Respondent No.4(b).*

*1. We state that, we have filed the Compromise Petition to Dispose Off the R.S.A.No.1331/2012 and Pass the Decree in terms of this Compromise Petition.*

*2. Therefore, it is humbly Prayed that this Hon'ble Court may be pleased to accept the Compromise Petition as Prayed for in the Interest of Justice and Equity.*

*Wherefore, it is prayed that this Hon'ble Court may be pleased to allow the accompanying Compromise Petition as prayed for, in the Interest of Justice and Equity."*

3. Appellants and respondents have filed Memorandum of Compromise Petition before this Court under Order XXIII Rule 3 read with Section 151 of CPC. The appellants and respondents have agreed to the terms and conditions of the settlement.

4. The appellant No.1 and respondents are physically present and have been identified by their respective counsel.



5. In view of the aforesaid settlement arrived at between the parties, the appeal stands disposed of in terms of the Memorandum of Compromise Petition. Learned counsel for the appellant is directed to produce notarized copy of GPA within a period of four weeks from today.

6. In view of the above, I pass the following:

**ORDER**

- (i) The appeal is hereby disposed of in terms of the Memorandum of Compromise Petition under Order XXIII Rule 3 read with Section 151 of CPC.
- (ii) The Registry of this Court is directed to refund the entire Court Fee paid on the memorandum of appeal back to the appellants.
- (iii) The Registry of the Trial Court is directed to refund the entire Court Fee paid on the memorandum of plaint back to the plaintiffs.
- (iv) Registry to draw up decree accordingly.

**Sd/-  
(S.R.KRISHNA KUMAR)  
JUDGE**