



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

REGULAR FIRST APPEAL NO. 1617 OF 2019 (PAR/INJ)

BETWEEN:

1. SRI S. MANJAPPA
S/O LATE SIDDAPPA
AGED ABOUT 56 YEARS
OCC: AGRICULTURE,
2. SRI SHIVAKUMAR
S/O LATE NAGENDRAPPA
AGED ABOUT 51 YEARS
OCC: AGRICULTURE
3. SRI RAJASHEKHAR
S/O LATE NAGENDRAPPA
AGED ABOUT 49 YEARS
OCC: AGRICULTURE
4. SRI RAVIKUMAR
S/O LATE NAGENDRAPPA
AGED ABOUT 49 YEARS
OCC AGRICULTURE
5. SMT. DEVAMMA
W/O LATE NAGENDRAPPA
AGED ABOUT 67 YEARS
OCC: HOUSEHOLD

Digitally
signed by
RAKSHA
Location:
High Court
of
Karnataka



6. SRI RAGHAVENDRA
S/O LATE NAGENDRAPPA
AGED ABOUT 39 YEARS
OCC: AGRICULTURE
7. SRI SHIVAKUMAR
S/O LATE SHIVAPPA
AGED ABOUT 35 YEARS
OCC: AGRICULTURE
8. SMT. NAGARTNA
D/O LATE SHIVAPPA
AGED ABOUT 30 YEARS
OCC: HOUSEHOLD
9. SMT. PREMA
W/O LATE SHIVAPPA
AGED ABOUT 60 YEARS
OCC: HOUSEHOLD
10. SRI ANIL KUMAR
W/O LATE MAHESWARAPPA
AGED ABOUT 40 YEARS
OCC: AGRICULTURE
11. SRI SHASHIKUMAR
W/O LATE MAHESWARAPPA
AGED ABOUT 35 YEARS
OCC: AGRICULTURE
12. SMT. SUNITA
D/O LATE MAHESWARAPPA
AGED ABOUT 37 YEARS
OCC: HOUSEHOLD



13. SMT. VINODAMMA
W/O LATE MAHESWARAPPA
AGED ABOUT 57 YEARS
OCC: HOUSEHOLD

ALL ARE RESIDING AT:
OPP. SERICULTURE DEPARTMENT
CATTLE MARKET, RMC YARD POST
DAVANGERE - 577 003.

...APPELLANTS

(BY SRI. LOHITASWA BANAKAR, ADVOCATE)

AND:

1. SMT. K. S. SUMITRAMMA
W/O SHIVAMURTHY
AGED ABOUT 58 YEARS
OCC: HOUSE HOLD
R/AT RADDERA MALLAMMA COMPOUND
SHIRMAGONDANAHALLI VILLAGE
DAVANGERE TALUK-577 005.
2. SMT. K. S. VANAIAKSHI
W/O B. M. SHEKARAIH
AGED ABOUT 54 YEARS
OCC: HOUSE HOLD
R/AT NAGNUR VILLAGE
SHAMANUR POST
DAVANGERE TALUK-577 004.
3. SRI YOGESH
S/O KUDRAL SANNABASAPPA
AGED ABOUT 56 YEARS
OCC AGRICULTURIST
R/AT OLD KADLEBALU
KADLEBALU POST



DAVANGERE TALUK-577 589

4. SRI SURESH
S/O KUDRAL SANNABASAPPA
AGED ABOUT 55 YEARS
OCC AGRICULTURIST
R/AT OLD KADLEBALU
KADLEBALU POST
DAVANGERE TALUK-577 589
5. SRI LINGARAJU
S/O KUDRAL SANNABASAPPA
AGED ABOUT 52 YEARS
OCC AGRICULTURIST
R/AT OLD KADLEBALU
KADLEBALU POST
DAVANGERE TALUK-577 589
6. SRI SHIVAKUMAR
S/O KUDRAL SANNABASAPPA
AGED ABOUT 40 YEARS
OCC AGRICULTURIST
R/AT OLD KADLEBALU
KADLEBALU POST
DAVANGERE TALUK-577 589
7. SMT SUJATHA
W/O B S DANAPPA
AGED ABOUT 47 YEARS
OCC HOUSEHOLD
R/AT ATTIGERE VILLAGE
DAVANGERE TALUK-577 514
8. SMT. MANJULA
W/O S MANJAPPA
AGED ABOUT 45 YEARS



OCC HOUSEHOLD
R/AT OPP SERICULTURE DEPARTMENT,
CATTLE MARKET,
RMC YARD POST,
DAVANGERE-577003

9. SMT. NANDYAMMA
W/O LINGARAJU
AGED ABOUT 44 YEARS
OCC HOUSEHOLD
R/AT DOOR NO. 348,
LINGESHWARA NILAYA
OPP BDO OFFICE, ANEKONDA
DAVANGERE-577 001
10. SRI K SHIVAKUMAR
S/O KALLAPPA
AGED ABOUT 50 YEARS
OCC AGRICULTURIST
R/AT HIREEMMIGANUR VILLGE
HIREEMMIGANUR POST
DAVANGERE-577 523
11. SRI KIRAN
S/O K SHIVAKUMAR
AGED ABOUT 19 YEARS
OCC STUDENT
MINOR
REPRESENTED BY GUARDIAN
NATURAL FATHER SRI K SHIVAKUMAR I.E
DEFENDANT NO.22
12. KUM. KEERTANA
D/O K SHIVAKUMAR
AGED ABOUT 15 YEARS
OCC STUDENT



MINOR
REPRESENTED BY GUARDIAN
NATURAL FATHER SRI K SHIVAKUMAR I.E
DEFENDANT NO.22

13. SMT. BASAMMA
W/O LATE HANUMANTHAPPA
AGED ABOUT 62 YEARS
OCC HOUSE HOLD
R/AT OPP. SERICULTURE DEPARTMENT
CATTLE MARKET, RMC YARD POST
DAVANAGERE 577 003

...RESPONDENTS

(BY SRI. PRASANNA B.R., ADV. FOR R1 AND R2;
SRI. P. UDAY SHANKAR RAI, ADV. FOR R3 - R12;
SRI CHIDAMBARA G.S., ADV. FOR R13)

THIS RFA IS FILED UNDER SECTION 96 R/W ORDER XLI
RULE 1 OF CPC, 1908, AGAINST THE JUDGMENT AND DECREE
DATED 01.06.2018 PASSED IN OS NO.164/2017 ON THE FILE
OF THE PRL. SENIOR CIVIL JUDGE, DEVANGERE DECREERING
THE SUIT FOR PARTITION AND SEPARATE POSSESSION.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU



ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This appeal is preferred against the judgment and decree dated 01.06.2018 passed by Principal Senior Civil Judge at Davangere in O.S.No.164/2017.

2. We have heard the learned counsel appearing on either side.

3. It is submitted that the suit was one for partition and injunction and the parties have compromised the matter and a compromise petition is filed under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure.

4. It is submitted that appellant No.2 is the Power of Attorney Holder of the other appellants. Respondents No.1, 2, 6 and 13 are present before this Court today and respondents No.3 to 5 and 7 to 12 are duly represented by the Power of Attorney Holder, who is respondent No.6.

5. The Power of Attorney executed by the parties are also placed on record.



6. The parties have entered into compromise as per the advice and intervention of elders, well wishers, friends and relatives of the parties of this proceedings have agreed and get settle the matter regarding the suit schedule properties and as per settlement the share allotted to the respective parties are as follows:-

"1. Share allotted to the appellant No.1 S. Manjappa S/o Late Siddappa is as follows:-

A. Agricultural land bearing R.S.No.12/5, measuring 0 Acre, 02.1/4 Guntas and another agricultural land bearing R.S.No.12/6, measuring 0 Acre, 18 Guntas, both the properties are attached together and totally measuring 0 Acre, 20.1/4 Guntas, situated at: Basapura Village, Kasaba Hobali, Davangere Taluk and bounded by: East :- 10 Feet Road Left in R.S.No.12/5,6,7, 8, West R.S.No.12/2 belongs to Hiremath, North:-Share allotted to Respondent No.3 to 12, South: R.S.No.12/6 share allotted Vinodhamma W/o Maheshwarappa, (which is mentioned as 'D' and 'E' portion) in the rough sketch annexed to this Compromise petition.

B. Agricultural land bearing R.S.No.294/9, measuring 0 Acre, 17 Guntas (including 1 Guntas Kharabh) situated at Avaragere Village, Kasaba Hobali, Davangere Taluk, and bounded by: East Halla, West: APMC Compound, North: R.S.No.294/8, South:-R.S.No.294/2.



**2. Share allotted to the appellant No.2 to 5 i.e.,
Shivakumar S/o Late Nagendrappa, Raja-shekhar
S/o Late Nagendrappa, Ravikumar S/o Late
Nagendrappa, Smt. Devamma W/o Late
Nagendrappa.**

A. Agricultural land bearing R.S.No.12/9, measuring 0 Acre, 20.1/4 Guntas, situated at: Basapura Village, Kasaba Hobali, Davangere Taluk, bounded by: East: R.S.No.12/4, West:-R.S.No.12/2, belongs to Hiremath, North: Share allotted to Respondent No.13 Smt. Basamma W/o Late Hanumanthappa, South: Igoor Road, (which is mentioned as 'L' portion in the rough sketch enclosed herewith).

B. Agricultural land bearing R.S.No.294/5, measuring 17 Guntas (including 1 Guntas Kharabh) situated at Avaragere village, Kasaba Hobali, Davangere Taluk, which is bounded by: East Halla, West APMC Compound, North: R.S.No.294/1, South:-R.S.No.294/6.

**3. Share allotted to Appellant No.6 to 9 i.e.
Raghavendra S/o Late Shivappa (the father name is
mentioned in the petition wrongly as Nagendrappa),
Shivashankar S/o Late Shivappa (the name of appellant
No.7 is mentioned wrongly as Shivakumar in the
petition), Nagarathna D/o Late Shivappa, Prema W/o
Late Shivappa.**

A. Agricultural land bearing R.S.No.12/7, measuring 0 Acre, 10.3/4 Guntas and another land bearing R.S.No.12/8, measuring 0 Acre, 09.1/2 Guntas, totally



measuring 0 Acre, 20.1/4 Guntas, situated at: Basapura village, Kasaba Hobali, Davangere Taluk and bounded by :- East: 10' Road formed in Survey Number 12/5,6,7 and 8, West: R.S.No.12/2, belongs to Hiremath, North: Share allotted to Smt. Vinodha, South: Share allotted to Smt. Basamma W/o Late Hanumanthappa, (which is mentioned as H.I. Portion in the rough sketch annexed to the petition).

B. Agricultural land bearing R.S.No.294/7, measuring 0 Acre, 17 Guntas, including 01 Guntas Kharabh, situated at Avaragere Village, Kasaba Hobali, Davangere Taluk and bounded by:- East: Halla, West: APMC Road, North: R.S.No.294/6, South:R.S.No.294/8.

4. Share allotted to the Appellant No.10 to 12:

Anil Kumar S/o Late Maheshwarappa, Shashi Kumar S/o Late Maheshwarappa, Sunitha D/o Late Maheshwarappa.

A. Agricultural land bearing R.S.No.12/6, measuring 0 Acre, 07 Guntas and another property bearing R.S.No.12/7, measuring 0 Acre, 13.1/2 Guntas, totally measuring 0 Acre, 13.1/4 Guntas, situated at Basapura Village, Kasaba Hobali, Davangere Taluk, bounded by :- East: 10' Road formed in R.S.No. 12,5,6,7 and 8, West :- R.S.No. 12/2 belongs to Hiremath. North: Share allotted to S. Manjappa S/o Late Siddappa, South:- Share allotted to the appellant No.6 to 9 (which is mentioned as FG portion in the rough sketch annexed).



B. Agricultural land bearing R.S.No.294/8, measuring 0 Acre, 17 Guntas (Including 1 Guntas Kharabh) situated at: Avaragere Village, Kasaba Hobali, Davangere Taluk, bounded by: East: Halla, West: APMC Compound, North: R.S.No.294/7, South:-R.S.No.294/9.

5. Share allotted to the Respondent No.1 Smt. K.S. Sumithamma W/o H. Shivamurthy is as follows :-

A. East:- Agricultural land bearing R.S.No.12/5, measuring 0 Acre, 10 Guntas, situated at:Basapura Village, Kasaba Hobali, Davangere Taluk and bounded by: East: 10' Road (Left in R.S.No.12/5). West: R.S.No.12/2 belongs to Hiremath, North: R.S.No.12/5, South: Share allotted to Smt. Sujatha W/o Danappa and Others which is mentioned as B Block in the rough sketch enclosed along with this petition.

6. Share allotted to the respondent No.2 Smt. K.S. Vanajakahi. K.S W/o Channaveeraiah. N.M (her husband name mentioned in the petition & judgment of trial court wrongly as B.M. Shekaraiah)

A. Agricultural land bearing R.S.No. 12/5 measuring 0 Acre. 10 Guntas, situated at: Basapura Village, Kasaba Hobali, Davangere Taluk, bounded by: East: Road, West: R.S.No. 12/2 belongs to Hiremath, North: Road, South: R.S.No. 12/5 (which mentioned as A Block, in the sketch enclosed along with this petition).



7. Share allotted to the respondent No.3 to 12 i.e.,
Yogish S/o Kudrol Sannabasappa Sankamma, Suresh
S/o Kudrol Sannabasappa, Lingaraj Kudrol
Sannabasappa, Shiva Kumar Kudrol Sannabasappa,
Sujatha W/o B.S. Danappa, Manjula W/o S. Manjappa,
Nandyamma W/o Ningaraju, K.Shiva kumar S/o
Kallappa, Kirana S/o K.Shivakumar Keerthana D/o K.
Shivakumar, (Respondent No.3 to 12)

A. Agricultural land bearing R.S.No. 12/5, measuring 0
Acre, 04 Guntas, situated at: Basapura Village, Kasaba
Hobali, Davangere Taluk and bounded by: East: 10'
Road and Sy.No. 12/4,5,6,7 and 8, West: Survey
Number 12/2 belongs to Hiremath. North: R.S.No. 12/5,
South: R.S.No. 12/5, which is mentioned as Block No. C
in the rough sketch annexed.

**8. Share allotted to the respondent No. 13, Smt.
Basamma W/o Late Hanumanthappa,**

A. Agricultural land bearing R.S.No. 12/8, measuring 0
Acre, 13.1/4 Guntas and another property agricultural
land bearing R.S.No. 12/9, measuring 0 Acre, 06.3/4
Guntas, both the properties attached together and
totally measuring 0 Acre, 20 Guntas, situated at:
Basapura Village, Kasaba Hobali, Davangere Taluk,
bounded by: East: Road, West:-R.S.No. 12/2 belongs to
Hiremath, North: R.S.No.12/8, South: R.S.No. 12/9
which is mentioned as Block No. J and K' in the rough
sketch annexed.



B. Agricultural land bearing R.S.No.294/6, measuring 0 Acre, 17 Guntas, included 01 Guntas Kharab, situated at: Avaragere Village, Kasaba Hobali, Davangere Taluk, which is bounded by: East: Halla, West:- APMC Compound, North: R.S.No.294/5, South: R.S.No.294/7.

9. Share allotted to Appellant No.1 to 12 and the respondent No.13 jointly i.e., (1) S. Manjappa S/o Late Siddappa, (2) Shivakumar S/o Late Nagendrappa, (3) Rajashekhar Late S/o Nagendrappa, (4) Ravikumar S/o Late Nagendrappa (5) Smt. Devamma W/o Late Nagendrappa. (6) Raghavendra S/o Late Shivappa. (7) Shiva shankar S/o Late Shivappa, (8) Nagarathna D/o Late Shivappa, (9) Smt. Prema W/o Late Shivappa. (10) Anil Kumar S/o Late Maheshwarappa, (11) Shashikumar S/o Late Maheshwarappa. (12) Sunitha D/o Late Maheshwarappa.(13) Smt. Basamma W/o Late Hanumanthappa.

Agricultural land bearing R.S.No.294/1, measuring 0 Acre, 18 Guntas, consisting of 5 Red Tiled Houses, situated at: Avaragere village, Kasaba Hobali, Davangere Taluk, and bounded by: East: Halla, West: APMC Compound, North: Halla South:-R.S.No. 294/5.

The road which is shown in rough sketch measuring 10' left in R.S.No. 12/5, 12/6, 12/7, 12/8. Totally measuring



11 Guntas and bounded by: East: R.S.No.12/3 and 12/10, West: Block No. A to Z, North: Road, South: Canal Road.

Rough Sketch in respect of Sy No.12 produced along with this compromise petition is part and parcel of the Compromise petition and the said road is only for the use of all the parties to the proceedings. As per sketch attached the possession of the respective parts are handed over to the parties and parties are put in exclusive possession of their respective shares. The appellants and Respondent No.13 undertakes to get the revenue records transferred as per the compromise deed. In respect to Sy No.294 registered partition deed dt: 28.07.2012 holds good/intact and parties to said partition deed are already in exclusive possession of their share and the same properties are allotted to them in this compromise petition"

7. A rough sketch showing the list of properties and the allotments as well as the access roads passing through the properties are produced along with the compromise petition.

8. In the above view of the matter, this appeal is ***disposed of*** in terms of the compromise petition entered into between the parties. The rough sketch shall also form part of the decree.



9. The Registry shall draw up the final decree in terms of the compromise entered into between the parties as well as the rough sketch.

All pending interlocutory applications shall stand *disposed of*.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

RAK
List No.: 1 Sl No.: 34