



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

REGULAR FIRST APPEAL NO. 1616 OF 2019 (INJ)

BETWEEN:

1. N. BHUPALRAJ
AGED ABOUT 52 YEARS
S/O LATE R NANJUNDAPPA
R/AT #3
KENCHA NAYAKA LANE
THIGALARPET
BANGALORE-560 002.
2. S MADHU
AGED ABOUT 35 YEARS
S/O SHIVASHANKAR
R/AT #5 YERRAPPA GOWDA LANE
THIGALARPET
BANGALORE-560 002.

...APPELLANTS

(BY SRI.GIRISHA S HEGDE, ADVOCATE)

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka

AND:

1. SRI. VIKRAM BASHA KHAN
AGED ABOUT 44 YEARS
S/O ABDUL AZEEZ
NO.11, "MST STEEL FURNITURES",
VINOBANAGAR MAIN ROAD
OPP:KALASIPALYAM
POLICE OUT POST
BANGALORE-560 002.
2. SRI S M HUSSAIN
S/O LATE PYAREJAN
AGED ABOUT 53 YEARS
NO.38/29, 6TH CROSS,



NEW GURAPPANPALYA
BANGALORE - 560 029.

...RESPONDENTS

(BY SMT. VANAIAKSHI P., ADVOCATE FOR
SRI RASHEED KHAN, ADVOCATE FOR R1 & C/R2)

THIS RFA IS FILED UNDER SEC.96 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 11.06.2019 PASSED IN OS NO.3884/2015 ON THE FILE OF THE XXIX ADDL.CITY CIVIL AND SESSIONS JUDGE AT BANGALORE CITY (CCH-30) DISMISSING THE SUIT FOR PERMANENT INJUNCTION.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL JUDGMENT

This matter was referred to the mediation centre to explore the possibility of settlement. The Court has received the report from the mediation centre.

2. The terms of the settlement DATED 23.03.2026 are recorded as under:

"MEMORANDUM OF SETTLEMENT UNDER SECTION 89 OF CPC READ WITH RULES 24 AND 25 OF THE KARNATAKA CIVIL PROCEDURE (MEDIATION) RULES, 2005

I. The appellants have filed the above Appeal against the respondent against the judgment and decree dated 11.06.2019 passed in O.S. No. 3884



/ 2015 on the file of the XXIX Addl. City Civil and Sessions Judge, Bengaluru (CCH:30), to set aside the said Order.

That the appellants who are the plaintiffs before the trial court had filed the suit praying for judgment and decree in favor of the plaintiff for permanent injunction, restraining the defendants, their agents, legal heirs, or any persons claiming through them from interfering with peaceful possession and enjoyment of the plaintiffs in respect of the property in all the piece and parcel of the immovable property bearing No. 12 (Old No 57/1), measuring in an extent of 36.3 feet or 11.09 meters from East to West and 24.3/4 feet or 7.75 meters from North to South consisting of "Shree Muneshwara Swamy Temple" situated at then Doddabylakhane village, Kasaba Hobli, division 38, Bangalore North Taluk, H. Siddaiah Cross Road, Vinobanagar, Bangalore, presently within the limits of Bruhat Bangalore Mahanagar Palike, assigned PID No. 48-84-12, Sudhamanagar Ward No. 118 (Old No 48), Bangalore., bounded on--East By -- 5 feet common passage and Property of Krishnappa., West by -- 11.5 feet common passage and Property of Nanjundappa., North By -- Property of R. Nanjundappa., and South By -- 11.5 feet common passage, referred to, as suit schedule property to the plaint.



That the suit of the plaintiff came to be dismissed and the appellants (sic) have questioned the legality or otherwise of the judgment and decree passed in O.S. No.3884/ 2015 dated 11-06-2019 in the present appeal.

II. The aforesaid appeal was referred to mediation for resolving the dispute between the parties. In the course of mediation, the appellants and the respondents along with their respective counsels were present, identified each other and they have resolved their dispute and have agreed to the following terms and conditions:-

1. That the subject matter of the suit is larger extent of the property as described as suit schedule property the real dispute between the parties is confined to the passage in front of the Temple. i.e. Shree Muneshwara Swamy Temple facing eastern side and the plaintiffs have alleged the blockage of common passage of five feet (5) by the defendants. Hence the parties to the lis have decided to settled their differences and disputes relating to the property amicably.

2. The plaintiffs / appellants and the defendants/ Respondents hereby admit that there is no dispute that the suit schedule property bearing No. 12 belonged to the family of the appellants / plaintiffs and the similarly the plaintiffs / appellants also admit that the property No. 11 is concerned, the plaintiffs/ appellants



have no concerns and same belonged to the respondent No. 1 /defendants No.1.

3. That the parties in order to resolve their disputes amicably have agreed that the respondents / defendants shall leave five (5) feet passage throughout from the end point of Shree Muneshwara Swamy Temple towards eastern side frontage as could be seen from exhibit P-10 and either the defendants/ respondents or their legal heirs, representatives, or any one claiming through them shall not cause any trouble or interference for free passage of five feet in order to have free ingress and egress permanently to Shree Muneshwara Swamy Temple.

4. That in order to have better understanding of the position of the property and the portion of the property earmarked for free passage of five feet in order to have free ingress and egress permanently to Shree Muneshwara Swamy Temple, a sketch is also annexed along with this agreement.

5. The parties agree that they themselves or anyone claiming through them shall not any claim, right, title or interest in the future in respect of the property earmarked as permanent five feet passage in order to have free ingress and egress to Shree Muneshwara Swamy Temple,



6. *The parties agreed that in order to have cordial relation as neighbors they have resolved their differences amicably and in future this shall not either directly or indirectly cause and interfere with each others in respect of the claim over the schedule property.*

III. *In view of the aforesaid agreement entered into between the parties, the parties pray that this Hon'ble Court be pleased to pass appropriate order in terms of this agreement and dispose of the above appeal.*

IV. *Parties will appear before the Hon'ble Court as per the directions of the counsels for passing appropriate orders in terms of the agreement."*

3. The settlement is signed by all the parties, as well as the learned counsel appearing for the appellants and respondents.

4. This Court does not find any impediment to accept the settlement.

5. Accordingly, appeal is **allowed**.

6. The impugned judgment and decree 11.06.2019 in O.S.No.3884/2015 passed by XXIX Addl.City Civil and Sessions



Judge, Bangalore (CCH-30) are set aside and substituted in terms of the settlement. Registry to draw decree accordingly.

7. In view of disposal of the appeal, pending applications, if any, do not survive for consideration and they stand disposed of.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

AV
List No.: 1 Sl No.: 16