



CNR: KAHC010259492020

NC: 2026:KHC:49277
RFA No. 1660 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

REGULAR FIRST APPEAL NO. 1660 OF 2020 (SP)

BETWEEN:

1. SHAMSHIA BANU
WIFE OF LATE RAFIQUE AHMED,
AGED ABOUT 58 YEARS,
2. MAHMMED UMAR FARROQ,
S/O LATE RAFIQUE AHMED,
AGED ABOUT 35 YEARS,
3. AJARA FATHEEMA
D/O LATE RAFIQUE AHMED,
W/O MUKKARAM KHAN,
AGED ABOUT 30 YEARS,
4. HUSNA FATHEEMA
D/O LATE RAFIQUE AHMED,
W/O SHUJJAD AHMED,
AGED ABOUT 29 YEARS,
R/AT RAJEEVNAGARA 1ST STAGE,
MYSORE 570 008.
5. MAHAMMED USMAN,
S/O LATE RAFIQUE AHMED,
AGED ABOUT 26 YEARS,

Digitally
signed by
PANKAJA S
Location:
HIGH
COURT OF
KARNATAKA



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ALL ARE PRESENTLY RESIDING AT
NO. 10/221, 1ST CROSS,
MAIN ROAD, WARD NO. 11,
SRIRANGAPATNA TOWN - 571 438,
MANDYA DISTRICT.

THE APPELLANTS NO. 1 AND 3 TO 6 ARE
REPRESENTED BY GPA HOLDER
THE 2ND APPELLANT BY NAME
MAHAMMED UMAR FAROOQ,
S/O LATE RAFIQUE AHAMMED,
AGED ABOUT 35 YEARS.

...APPELLANTS

(BY SRI. B SHARATH KUMAR.,ADVOCATE)

AND:

MAHADEVAPPA @SOMAPPA
SINCE DEAD BY LRS

1. SMT. GOWRAMMA
WIFE OF LATE MAHADEVAPPA @ SOMAPPA
AGED ABOUT 69 YEARS
R/AT MATADA BEEDI,
HULLAHALLI VILLAGE AND HOBLI,
NANJANGUD TALUK - 571 301.
2. SHANKARAPPA
S/O MAHADEVAPPA@ SOMAPPA,
AGED ABOUT 53 YEARS,
3. SHIVALINGAPPA
S/O MAHADEVAPPA @ SOMAPPA
AGED ABOUT 51 YEARS,
4. PRAKASHA
S/O MAHADEVAPPA @ SOMAPPA
AGED ABOUT 49 YEARS,



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ALL ARE RESIDING AT MATADA BEEDI,
HULLAHALLI VILLAGE AND HOBLI,
NANJANGUD TALUK 571 301.

5. C.V. BASAVARAJU
S/O LATE VEERATHAPPA,
RESIDING AT CHUNCHANAHALLI VILLAGE,
DODDAKAVALANDE HOBLI,
NANJANGUD TALUK 571 301.

...RESPONDENTS

(BY SRI. P NATARAJU, ADVOCATE ADVOCATE FOR R1 & R4;
SRI. P. MAHESH, ADVOCATE FOR R5;
SRI. BASAVANNA.K.M, ADVOCATE FOR R2 & R3 (VK FILED
IN COURT FOR R3))

THIS RFA IS FILED UNDER SEC.96 OF CPC., AGAINST
THE JUDGMENT AND DECREE DATED 01.02.2020 PASSED IN
OS No.78/2015 ON THE FILE OF THE SENIOR CIVIL JUDGE
AND JMFC., NANJANGUD DISMISSING THE SUIT FOR SPECIFIC
PERFORMANCE.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

Learned counsel for the respective parties and all the
appellants and respondents are present before the Court today
and they jointly submits that the dispute involved in this appeal



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is settled amicably between them. Accordingly, they filed an application under Order XXXII Rule 3 and 2 r/w Section 151 of CPC seeking permission of this Court to withdraw this appeal as not pressed. The same reads as under:

"Under Order XXXII Rule 3 and 2 read with Section 151 of Code of Civil Procedure the Appellants/Plaintiffs and Respondents/Defendants state as follows:

1. The 2nd Appellant in the above appeal is familiar with the facts of the case. The 1st Appellant is his mother, Appellant 3 to 6 are his brothers and sisters, who have authorised 2nd Appellant to conduct the case and also given Power of attorney as per Ex.P-2, to also enter into compromise and settle the matter, hence the 2nd appellant has signed this compromise petition.

2. We have filed the above appeal challenging the Judgement and Decree dated 01-02-2020 passed in O.S.No.78/2015 on the file of the Senior Civil Judge & JMFC at Nanjangud dismissing our suit. We have filed the suit O.S.No.78/2015 seeking specific performance of the Agreement for sale dated 29-07-2013 in respect of Suit schedule property and for alternative relief of refund of advance consideration of Rs.6,50,000/- with interest at 18% per annum.



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3. 1 respectfully submit that the Suit schedule property ie., Land bearing Sy.No.125 (renumbered as 125/1, 125/2, 125/3, 125/4 and 125/5) measuring total extent of 4 Acres 33 Guntas, including 8 guntas of Phot Kharab land, after deducting the same, the remaining land measuring an extent of 4 Acres 25 Guntas out of which 2 Acres of land assessed at Rs.14.12 Paise situated at Hullahalli Village, Hullahalli Hobli, Nanjangud Taluk, and bounded on East by: by Cannal, West by: by Remaining portion of the same land ie., Sy.No.125, North by: by Land of Rathnamma and South by: Kanenur Road.

4. Appellants have paid Rs.6,50,000/- as advance at the time of Agreement of Sale has taken the signature of 1st Defendant along with other family members. Now it can be seen from the records produced before the Trial Court that they have filed case in O.S.No.497/2013 and divided the properties into subdivision ie., Sy.No.125 is subdivided into 125/1 to 9 where it is allotted to different persons. Further during the pendency of the suit O.S.No.78/2015 they have alienated a portion of the schedule property to Defendant No.5 who was later made a party to the suit. The Trial Court erred in dismissing the suit for specific performance or even refund of the advance amount



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5. During the pendency of the appeal by the intervention of well wishers and friends the appellants and Respondents have arrived at a settlement as follows:-

a. As per the Settlement the Respondents 2 and 3 are ready to repay the appellants a total sum of Rs.10,50,000/- (Rupees Ten Lakhs Fifty Thousand only) in full and final settlement between the parties and the appellants will withdraw the above appeal to be dismissed as withdrawn.

b. The appellants 2 to 6 have no objections if the Demand Draft of Rs.10,50,000/- is given in the name of their mother Smt. Shamshia Bhanu the 1st Appellant named above. Accordingly a One Demand Draft for Rs.5,25,000/- (Rupees Five Lakhs Twenty Five Thousand only) dated 28-08-2026 bearing No.303839 drawn on Union Bank of India, Hullahalli Branch, Srirangapatna, drawn in favour of 1st Appellant Shamshia Banu given by Shivalingappa and another D.D. bearing No.303838 dated 28-08-2026 given by Shankarappa for Rs.5,25,000/- (Rupees Five Lakhs Twenty Five Thousand only) drawn on Union Bank of India, Hullahalli Branch, Srirangapatna in the name of 1st Appellant, is handover to the 2nd appellant this day who is the power of attorney holder of other appellants as per Ex.P2, in full and final settlement.



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C. Further the parties hereby confirms that they will not claim any further in respect of the Specific Performance of the Agreement of Sale between themselves and the Judgement and Decree may be confirmed and the above appeal may be dismissed as withdrawn as the parties have settled the claim between themselves and no claim whatsoever between the parties.

d. In view of the above compromise and withdrawing of the above appeal the Court fee paid by the appellants may be refunded in the name of the 2nd Appellant who is the GPA holder of other appellants ie., Mahammed Umar Farroq S/o Late Rafique Ahmed.

e. The parties to the compromise have entered into this compromise petition out of free will, without any force, coercion and without undue influence.

Wherefore, it is respectfully prayed that this Hon'ble Court may be pleased to dismiss the above appeal as withdrawn in view of the settlement arrived at and order for refund of the Court fee paid as prayed for in the name of the 2nd appellant Mohammed Umar Farroq, in the interest of justice and equity"

2. As per the terms of the settlement, the respondents handed over the DD mentioned in the application to the



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appellants and the appellants have acknowledged the receipt of the same.

3. Placing reliance on the submission and the application filed by the parties, the appeal is ***disposed of*** since the dispute settled between the parties.

4. The Registry is directed to refund the Court fee as per law to appellant No.2.

**SD/-
(RAJESH RAI K)
JUDGE**

CR
List No.: 1 Sl No.: 4