



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 11TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAVI V HOSMANI
REGULAR SECOND APPEAL NO. 1021 OF 2022 (PAR)

BETWEEN:

1. PARVATHI,
D/O LATE GOVINDAPPA,
W/O SEENAPPA,
AGED ABOUT 49 YEARS,
2. S R SRINIVAS @ SEENAPPA,
S/O LATE RAMAIAH,
AGED ABOUT 57 YEARS,
SINCE DEAD BY LR's ALREADY ON
RECORD AS APPELLANT NO.1 & 3
3. S. VIJAY KUMAR,
S/O S R SRINIVAS @ SEENAPPA,
AGED ABOUT 32 YEARS,

AMENDED AS PER THE
ORDER DATED 11.12.2025

ALL ARE RESIDING AT,
SHIVARAPATNA VILLAGE,
KASBA HOBLI, MALUR TALUK,
KOLAR DISTRICT - 563 130.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka

(BY SMT. NEERAJA KARANTH, ADVOCATE)

...APPELLANTS

AND:

SMT. RAMAKKA,
W/O LATE CHIKKA VENAKTARAMANAPPA,
SINCE DEAD BY LEGAL HEIRS

1. KRISHNAPPA,
S/O LATE CHIKKA VENKATARMANAPPA,
AGED ABOUT 57 YEARS,
2. GOWRAMMA,
D/O LATE CHIKKA VENKATARAMANAPPA,
AGED ABOUT 55 YEARS,



ALL ARE R/A BALAGERE VILLAGE,
VARTHURU HOBLI,
BENGALURU EAST TALUK - 560 087.

GOVINDAPPA
S/O LATE MATNAHALLI MUNIYAPPA
SINCE DEAD BY LEGAL HEIRS

3. SAROJAMMA,
W/O LATE GOVINDAPPA,
AGED ABOUT 72 YEARS,
4. CHINNAMMA,
D/O LATE GOVINDAPPA,
W/O LAE KRISHNAPPA,
AGED ABOUT 51 YEARS,
5. SRINIVASA,
S/O LATE GOVINDAPPA,
AGED ABOUT 50 YEARS,
6. MUNIRAJU,
S/O LATE GOVINDAPPA,
AGED 46 YEARS,
7. MUNIYAMMA,
D/O LATE GOVINDAPPA,
W/O JEERAPPA,
AGED 41 YEARS,
8. VENKATESH,
S/O LATE GOVINDAPPA,
AGED 41 YEARS,
9. JAYALAKSHMI,
D/O LATE GOVINDAPPA,
W/O MUNIRAJU,
AGED 39 YEARS,
10. NARAYANASWAMY,
S/O LATE GOVINDAPPA,
AGED 33 YEARS,

RESPONDENTS NO.3 TO 6, 8 & 10 ARE



R/A ALAMBADI VILLAGE,
LAKKUR HOBLI,
MALUR TALUK,
KOLAR DISTRICT - 563 130.

A M NARAYANAPPA
S/O LATE KOTE MUNISWAMY
SINCE DEAD BY LRS

11. PUTTAMMA,
W/O LATE A M NARAYANAPPA,
AGED 71 YEARS,
R/A ALAMBADI VILLAGE,
LAKKUR HOBLI,
MALUR TALUK,
KOLAR DISTRICT - 563 130.
12. N MANJUNATH,
S/O LATE A M NARAYANAPPA,
AGED 51 YEARS,
R/A ALAMBADI VILLAGE,
LAKKUR HOBLI,
MALUR TALUK
KOLAR DISTRICT - 563 130.
13. BHAGYAMMA,
D/O LATE A M NARAYANAPPA,
W/O VENKATESHAPPA,
AGED 50 YEARS,
R/A MINASANDRA VILLAGE,
LAKKUR HOBLI, MALUR TALUK,
KOLAR DISTRICT - 563 130.
14. MURTHY,
S/O LATE NARAYANAPPA,
AGED 48 YEARS,
15. RADHA,
S/O LATE A M NARAYANAPPA,
AGED 46 YEARS,
16. N RAMESH,
S/O LATE A M NARAYANAPPA,
AGED 44 YEARS,



RESPONDENTS NO.14 TO 16 ARE
R/A ALAMBADI VILLAGE,
LAKKUR HOBLI,
MALUR TALUK,
KOLAR DISTRICT - 563 130.

17. P CHAYADEVI,
W/O R SRINIVASA SETTY,
AGED 51 YEARS,
R/O CHIKKA TIRUPATHI VILLAGE,
LAKKUR HOBLI, MALUR TALUK,
KOLAR DISTRICT - 563 130.

[NOTE: AS RAMAKKA, GOVINDAPPA AND A.M.NARAYANAPPA ARE
DEAD AND REP. BY LRs THEY ARE NOT ASSIGNED APPELLANT
NUMBERS IN RSA]

...RESPONDENTS

[RESPONDENTS NO.3 TO 17 ARE DELETED AS PER ORDER DATED
29.01.2026.]

[BY SRI R. LOKESH, ADVOCATE FOR R1 & R2;
VIDE C/O DATED 11.12.2025 A1 & A3 ARE THE LRs OF DECEASED
A2; V/C/O DTD 29.01.2026 R3 - R17 ARE DELETED]

THIS RSA IS FILED UNDER SECTION 100 OF CPC AGAINST
THE JUDGMENT AND DECREE DATED 08.04.2022 PASSED IN
RA.NO.27/2020 ON THE FILE OF THE I ADDITIONAL DISTRICT
JUDGE, KOLAR, PARTLY ALLOWING THE APPEAL AND SETTING ASIDE
THE JUDGMENT AND DECREE DATED 27.11.2019 PASSED IN OS
No.514/2011 ON THE FILE OF THE SENIOR CIVIL JUDGE, MALUR.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



ORAL JUDGMENT

This appeal is filed by defendants no.1(d), 4 and 5 challenging judgment and decree dated 08.04.2022 passed by I Additional District Judge, Kolar, in R.A.no.27/2020 and judgment and decree dated 27.11.2019 passed by Senior Civil Judge and J.M.F.C., Malur, in O.S.no.514/2011.

2. Appeal arise out of suit for partition and separate possession in respect of 'A' and 'B' Schedule Properties. It was submitted, during pendency of appeal, by order dated 29.01.2026, matter was referred for mediation. Parties have participated in mediation, which has resulted in settlement and terms of which are drawn in agreement placed before Court and prayed that appeal may be disposed of in terms of settlement.

3. Terms of settlement reads as under:

**"MEMORANDUM OF SETTLEMENT UNDER
SECTION 89 OF THE CIVIL PROCEEDURE
CODE READ WITH RULES 24 AND 25 OF THE
KARNATAKA CIVIL PROCEDURE MEDIATION
RULES, 2005**

I. The above appeal has been referred to mediation to enable the parties to explore avenues of settlement. The essence of the dispute is that the Appellant/Defendant are



aggrieved by the Judgment and Decree passed by the by 1st Additional. District Judge, Kolar passed in R.A.27/2020 dated 08.04.2022 whereby the 1st Appellant Court has set aside the order passed by Senior Civil Judge, Malur passed in O.S.No.514/2011 dismissing the said suit and has partly decreed the suit holding that the Plaintiffs are entitled to half share in the suit items No.1 to 3 of the Schedule-A Property. Aggrieved by the same the Appellant/Defendants have preferred the present appeal challenging the same.

II. Brief Facts Leading To The Present Appeal

*The Plaintiffs/Respondent No.1 & 2 and their mother Late Ramakka had filed a suit in O.S.No.514/2011 on the file of the Senior Civil Judge, at Malur seeking partition and separate possession of their half share in the suit **A and B** Schedule properties and seeking to declare that the alienation made and decree obtained by the Defendants were not binding on them.*

The Plaintiffs alleged that Defendant No.1 Late Govindappa executed a Registered Will dated 01.03.2010 in favour of the Defendant No.4 (Appellant No.2) in respect of Items 1 to 3 of the plaint A Schedule properties. Thereafter the Defendant No.1(d), Defendant No.4 and 5 (Appellants herein) sold items No.2 and 3 of A Schedule Property to Defendant No.3 vide registered sale deed dated 31.12.2012. Defendant No.1 has also sold B Schedule Property to Defendant No.2 vide two separate sale deeds dated 22.01.1998 and 15.11.2003.

The Senior Civil Judge, Malur dismissed the suit in O.S.No.514/2011; however the 1st Additional District Judge, Kolar partly decreed the suit on 08.04.2022 in R.A.No.27/2020, holding that the Plaintiffs (Respondent No.1 and 2) and their deceased mother are entitled to half share in the suit items 1 to 3 of the A Schedule properties. Further declaring that the



registered will dated 01.03.2010 and the judgment and decree dated 04.07.2009 passed In O.S.No.13/1997 and O.S.No.206/1997 on the file of Civil Judge at Malur, and the registered sale deed dated 24.12.2012 are not binding on the Plaintiffs to the extent of their share. However the Hon'ble Court dismissed the suit with respect to Item No.4 of the A Schedule Property and B Schedule Properties.

Aggrieved by the judgment decree in R.A.No.27/2020 dated 08.04.2022 the Defendant No.1(d), Defendant No.4 and 5 preferred this appeal as Appellant No.1 to 3 respectively in respect of Item No.1 of A Schedule Property. The Appellant No.2 passed away during the pendency of this appeal leaving Appellant No.1 and 3 as his legal heirs.

The Defendant No.3 has also preferred an appeal in RSA No.1066/2022, in respect of Items No.2 and 3 of the plaint A Schedule Properties. However the Defendant has compromised the case in RSA No.1066/2022 with the Respondent No.1 and 2 herein vide order dated 25.11.2025. Hence only Item No.1 of plaint A Schedule (Survey No.30/1 measuring 1 acre 20 guntas of Alambadi Village, Lakkur Hobli, Malur Taluk, Kolar District) is available for consideration.

III. The present appeal has been referred to mediation to enable the parties to the dispute to explore possibilities of settlement. In the course of mediation, the parties who have been identified by their advocates have participated along with their advocates in the mediation process and have agreed to resolve the dispute between them amicably on the following terms and conditions:-

- 1. It is agreed by Appellant No.1 and 3 and Respondent No.1 and 2 that Item No.1 of the suit schedule i.e. Survey No.30/1 measuring 1 acre 20 guntas situated at*



Alambadi Village, Lakkur Hobli, Malur Taluk, Kolar District (Actually measuring 1 acre 17 guntas) is divided into two shares namely 28 ½ guntas described in A Schedule herein and 28 ½ guntas described in B Schedule herein.

- 2. As per this agreement and the settlement arrived herein the share allotted jointly to the Appellants on the Eastern side of Survey No.30/1 is described as Schedule A; share allotted jointly to the Respondent No.1 and 2 on the Western side on Survey No.30/1 is described as B Schedule of this agreement.*
- 3. It is hereby agreed between the parties that from this day onwards the Appellants are the absolute owners in possession of on the Eastern side of Survey No.30/1 is described as Schedule A and the Respondent No.1 and 2 are the absolute owners in possession of Western side on Survey No.30/1 is described as B Schedule*
- 4. The Parties are put in possession of their respective shares on this day i.e. 04.01.2026 and they are liberty to transfer the mutation entries in their respective names.*
- 5. The Appellants do not have any claim, right or interest over the other items of the suit schedule.*
- 6. The parties agree that as a consequence of this settlement arrived at in mediation, both parties have no further claims as against each other.*
- 7. The appellants are entitled to refund of Court fee.*

SCHEDULE OF THIS SETTLEMENT AGREEMENT



All the piece and parcel of the land in Sy.No.30/1 measuring 1 acre 17 guntas situated at Alambadi Village, Lakkur Hobli, Malur Taluk, Kolar District (Sy.No.30/1 actually measures 1 acre 17 guntas; however, it is wrongly shown as measuring 1 acre 20 guntas in the suit schedule as well as in the decree)

A - SCHEDULE

Share allotted to Appellants No.1 Parvathi and Appellant No.3 Sri.S.Vijay Kumar jointly (Eastern half)

All the piece and parcel of the land measuring 28 1½ guntas out of the total extent 1 acre 17 guntas in Sy.No.30/1 situated at Alambadi Village, Lakkur Hobli, Malur Taluk, Kolar District bounded on:

East : Gangaram and Krishnappa's land

West : Share allotted to Respondents No.1 and 2 Krishnappa and Gowramma, in the same survey number

North : Ramakrishnappa's land

South : Chandrappa's land

B - SCHEDULE

Share allotted to Respondents No.1 Sri Krishnappa, Respondent No.2 Smt. Gowramma jointly (Western half)

All the piece and parcel of the land measuring 28 1½ guntas out of the total extent 1 acre 17 guntas in Sy.No.30/1 situated at Alambadi Village, Lakkur Hobli, Malur Taluk, Kolar District bounded on:



*East : Share allotted to Appellants No.1 and 3
Smt.Parvathi and Sri Vijay Kumar in the
same survey number*

West : Ramaiah's Land

North : Ramakrishnappa's land

South : Chandrappa's land

IV. In view of the aforesaid agreement entered into between the parties, it is prayed that this Hon'ble Court may be pleased to pass appropriate orders recording the terms of the agreement entered into by the parties, in the interest of Justice.

V. Parties shall appear before the Hon'ble High Court for passing necessary orders in terms of the agreement whenever the matter is listed before the Hon'ble Court."

4. Parties are present and are identified by their respective counsel.

5. And on interaction, stated that they have been explained terms and conditions of settlement and after understanding same, they have affirmed same out of their free will and volition without there being any threat, coercion or undue influence from anybody.

6. Memorandum of settlement is duly signed by both parties, whose signatures are identified by their respective counsel and settlement reported by them.



7. I have perused terms of settlement. Same are found to be lawful.

8. Memorandum of settlement is taken on record and accepted.

9. In terms of settlement, appeal is ***disposed of.***
Registry to draw decree incorporating terms of settlement.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 55