



CNR: KAHC010334162022

NC: 2026:KHC:44798
W.P. No.14960/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 19TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.14960/2022 (GM-CPC)

BETWEEN:

1. THIPPERUDRAPPA
S/O R. THIPPESWAMY
AGED 57 YEARS
GEOLOGIST
GANGA AGRICULTURAL SUPPLIES
VIJAYALAKSHMI COMPLEX
CHALLAKERE - 577522

2. R.T. UMESH
S/O R. THIPPESWAMY

SINCE DEAD REP. BY LR'S.

2(a) ANITHA B.V.
W/O LATE R.T. UMESH
AGED 50 YEARS
R/AT. GURU THIPPERUDRASWAMY
BEHIND OLD SKP GARAGE
MAIN ROAD, HIRIYUR
CHITRADRUGA-577598.

2(b) SANATH R.U.
S/O LATE R.T. UMESH
AGED 19 YEARS.

2(c) KHUSHAL R.U.
S/O LATE R.T. UMESH
AGED 17 YEARS.

REP. BY NATURAL GUARDIAN

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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MOTHER – PETITIONER NO.2(a).

BOTH ARE R/AT.
GURU THIPPERUDRASWAMY
BEHIND OLD SKP GARAGE
MAIN ROAD, HIRIYUR
CHITRADRUGA-577598.

[AMENDED AS PER ORDER DTD:19.08.2026]

3. T. THIPPAMMA
W/O B T SWAMY
AGE 56 YEARS
R/O DODDACHELLUR VILLAGE
CHALLAKERE TALUK - 577522

PRESENT ADDRESS
R/OF GURUTHIPPESWAMY NILAYA
BEHIND SKP GAURAGE
NEAR SURYA HOTEL
HIRIYUR HOTEL - 577598
CHITRADURGA DISTRICT.

...PETITIONERS

(BY SRI. DEEPAK S. SHETTY, ADV.,)

AND:

1. R.S. MALLIKARJUNAIAH
S/O LATE R.N. SANNARUDRAIAH
AGE 80 YEARS.

SINCE DEAD REP. BY LR'S.

- 1(a) SWAMY R.M.
S/O LATE R.S. MALLIKARJUNAIAH
AGED 56 YEARS
R/AT. RANGENAHALLI VILLAGE & POST
DHARMAPURA HOBLI
HIRIYUR TALUK – 577545.



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- 1(b) JAGADEESHA R.M.
S/O LATE R.S. MALLIKARJUNAIAH
AGED 54 YEARS
R/AT. MUTTUGENAHALLI
MOLAKALMURU TALUK
CHITRADURGA DIST - 577535.
- 1(c) LOKESH R.M.
S/O LATE R.S. MALLIKARJUNAIAH
AGED 52 YEARS
R/AT. B.L. GOWDA NAGARA
HIRIYUR, CHITRADURGA DIST-577599.
- 1(d) JYOTHI R.M.
S/O LATE R.S. MALLIKARJUNAIAH
AGED 50 YEARS
R/AT. LAKKIHALLI AT POST
HOSADURGA TALUK
CHITRADURGA DIST - 577527.
2. R.S. VEDAMURTHY
S/O LATE R N SANNARUDRAIAH
AGE 77 YEARS
(KEB) HOSPET TALUK
BELLARY DISTRICT
AT PRESENT RESIDING AT
NO 4/30, 19TH WARD
GOLLANARASAPPA COLONY
S N PET, BELLARY - 583101.
3. R.T. SWAMY
S/O LATE R S THIPPESWAMY
AGE 61 YEARS
MIG 130, I MAIN ROAD
KENGARI UPANAGARA
BENGALURU - 560060.

AT PRESENT RESIDING AT
NO 54, SHANTHALA, 1ST MAIN ROAD
RMV II STAGE, NEW BEL ROAD



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OPP M S RAMAIIH HOSPITAL
BENGALURU - 560071.

...RESPONDENTS

(BY SRI. P.H. VIRUPAKSHAIAH, ADV., FOR R1 (a to d), R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND JMFC, HIRIYUR ON I.A.NO.3 IN FDP 2/2013 DTD 01.04.2022 VIDE ANNEX-F TO THE W.P. & ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed seeking the following reliefs:

"i. To set aside the order passed by the learned senior Civil Judge & JMFC, Hiriya on I.A.No.3 in FDP 2/2013 dated: 1-4-2022 vide Annexure-F to the Writ petition and

ii. To allow the I.A.No.3 filed under order 20 Rule 18 R/w sec. 151 of CPC dt 31.10.19 vide Annexure-D to the writ petition and;

iii. To grant such other order as this Hon'ble court deems fit in the circumstances of the case, in the interest of justice."



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2. Sri.Deepak S.Shetty, learned counsel for the petitioners and Sri.P.H.Virupakshaiah, learned counsel for respondents submits that the matter is settled amicably between the parties and they have filed the joint compromise petition under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 (for short, '**the CPC**').

3. The terms of joint compromise petition reads as under:

*"JOINT COMPROMISE PETITION UNDER ORDER XXIII
RULE 3 READ WITH SECTION 151 OF THE CODE OF
CIVIL PROCEDURE, 1908*

*The Petitioners and the Respondents above-named
most respectfully submit as follows:*

*It respectfully submits that, in Original Suit O.S. No.
13/1993, this Hon'ble Court, vide Judgment and Decree
dated 06.07.2012 passed in RFA No. 316/2003, set
aside the dismissal of the suit and decreed the same in
favour of the petitioners herein (original Plaintiffs),*



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granting them a one-third ($\frac{1}{3}$) share in the suit schedule properties.

It respectfully submits that, challenging the Judgment and Decree dated 06.07.2012 in RFA No. 316/2003, the Respondents filed Special Leave Petition (Civil) No. 21774/2013 before the Hon'ble Supreme Court of India, which was subsequently granted leave and renumbered as Civil Appeal No. 11909/2014, and the same is currently pending consideration.

It respectfully submits that, pursuant to the judgment in RFA No. 316/2003, Final Decree Proceedings in FDP No. 2/2013 were initiated and are pending before the learned Senior Civil Judge & JMFC, Hiriya. In the said proceedings, certain interlocutory applications filed by the Petitioners seeking re-allotment of shares were dismissed vide order dated 01.04.2022. Aggrieved thereby, the Petitioners preferred the present Writ Petition before this Hon'ble Court.

It respectfully submits that, during the pendency of FDP No. 2/2013 and the present Writ Petition, the Petitioners and Respondents, with the intervention of elders, well-wishers, and counsel, have amicably resolved all their disputes and claims concerning the suit schedule properties.

The parties have mutually agreed to record this full and final settlement before this Hon'ble Court to put



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an end to all pending litigations and bring a quietus to the entire dispute.

TERMS AND CONDITIONS OF THE COMPROMISE

The contesting parties have voluntarily, and without any coercion, force, or undue influence, agreed to the following terms:

I. Acceptance of Decree:

Both parties agree to accept and strictly abide by the Judgment and Decree dated 06.07.2012 passed by this Hon'ble Court in RFA No. 316/2003, consenting fully to the division of shares as decreed therein.

II. Withdrawal of Proceedings & Disposal:

The Respondents agree to take all necessary steps to withdraw Civil Appeal No. 11909/2014 (arising out of SLP (Civil) No. 21774/2013) pending before the Hon'ble Supreme Court of India. Correspondingly, the Petitioners and Respondents jointly request this Hon'ble Court to dispose of the present Writ Petition in terms of this Compromise Petition.

III. Full and Final Settlement:

This Compromise Petition constitutes a comprehensive, full, and final settlement of all claims, rights, and title regarding the suit schedule properties of O.S. No. 13/1993 and all connected proceedings.

IV. Bar on Further Litigation:

The parties explicitly undertake not to initiate any future legal proceedings—civil, criminal, or



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administrative—against each other or their legal representatives concerning the subject matter of O.S. No. 13/1993, RFA No. 316/2003, Civil Appeal No. 11909/2014, FDP No. 2/2013, or any related matters.

V. Costs:

Each party shall bear their own respective legal costs incurred throughout the proceedings.

VI. Binding Nature:

These terms shall be final, conclusive, and legally binding on all parties, as well as their legal heirs, successors-in-interest, executors, administrators, and assigns.

VII. Suit Schedules:

The parties state and confirm that the Schedules annexed herewith pertain to and form part of O.S. No. 13/1993, and the same shall be read and construed as an integral part of this Compromise Petition.

SCHEDULE OF PROPERTIES

Item No. 1:

Dry land bearing Sy. No. 28/2, measuring 13 acres 34 guntas, situated at Hulikunte Village, Parashuramapura Hobali, Challakere Taluk, Chitradurga District is bounded by:

*East: Lands of R T Hanumanthappa and R T
Chandrappa*

West: Land of Veerabhadraiah



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*North: Sy. No. 28/1A2 and land of R S Hatty
Rudrappa*

*South: Lands of Shivarudrappa and his sons
and R S Thipperudrappa*

Item No. 2:

*Dry land bearing Sy. No. 19/2, measuring 1 acre
5 guntas, situated at Rangenahally village, Dharmapura
Hobali, Hiriya Taluk, Chitradurga District is bounded
by:*

East: Hale Begarahatty road

West: Hosabegarahatty well

North: Land of R S Thipperudrappa

South: Lands of R S Rajashekarappa

Item No. 3:

*House bearing Khanesumari No. 70, new
assessment No. 63, measuring East-West 56 feet,
North-South 56 feet (56x56=3136 sq ft), situated at
Rangenahalli Village, Dharmapura Hobali, Hiriya Taluk,
Chitradurga District is bounded by:*

East: Vacant site

*West: Road and House of Pujari Thimmanna
and Bhoothanna*

North: Road and House of Pujari Thimmanna

South: House of R S Thipperudrappa and sites.



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Alternate property (hereinafter referred to as Item No. 1(a)) to the scheduled item no. 1 property (sy. No. 28/2) by respondent no. 2 (R S Vedamurty) as follows:

Item No. 1(a):

Dry land bearing Sy. No. 28/1A2, measuring 2 acres 35 guntas, situated at Hulikunte Village, Parashuramapura Hobali, Challakere Taluk, Chitradurga District is bounded by:

East: Sy No.28/1B (Land of R G Govindaraju)

West: Sy No.42/1 (Land of Veerabhadraiah)

North: Sy No.28/1A1 (Land of Thipperudrappa)

South: Sy No.28/2 (A part of share to Respondents in Item no.1) after division.

***DIVISION OF SCHEDULED PROPERTIES AS FOLLOWING
IS AGREED UPON:***

- I. Allotment regarding petitioners Nos. 1,2(a) to 2(c) and 3, (Thipperudrappa, Anitha.B.V, Sanath.R.U, Kushal.R.U and T.Thippamma) and respondent No. 2 (R.S.Vedamurthy): The shares assigned to the aforementioned parties in respect of Item No. 1 and Item No. 1(a) (Alternate Property), being the dry lands situated in Sy. No. 28/1A2 and Sy. No. 28/2, are detailed as follows:*
 - a. It is declared that petitioners Nos. 1,2(a) to 2(c) and 3 are collectively entitled to a 1/3rd (One-Third) share in*



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the properties described as Item No. 1 and Item No. 1(a) in the Schedule. Consequently, the specific extent allotted to the said Respondents in Item No. 1 admeasures 04 Acres 24.66 Guntas.

- 1. All that piece and parcel of the agricultural land (Dry Land) bearing Survey No. 28/2, admeasuring 1 Acre 30 Guntas, situated at Hulikunte Village, Parashuramapura Hobli, Challakere Taluk, Chitradurga District, and bounded on the:*

East: Land of R T Hanumanthappa

West: Land of Veerabhadraiah

North: Sy No. 28/1A2 (Item No.1(a))

South: Sy No. 28/2 (remaining land Respondent no 2 after allotment of a part of share to petitioners in Item no.1)

That regarding Item No. 1 of the Suit Schedule Properties, the respondent No. 2, Sri R.S. Vedamurthy, has agreed to convey and hand over vacant possession of the alternate property bearing Sy. No. 28/1A2, admeasuring 02 Acres 35 Guntas, to the Respondents herein.

It is strictly agreed that in the event the extent of the said alternate property (02 Acres 35 Guntas) is found to be deficient or less than the petitioners lawful share in Item No. 1 or the Suit Schedule Properties in their entirety, such deficit extent shall be allotted and



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made good to the petitioners from the remaining portion of Item No. 1 of the Suit Schedule Property. The final apportionment and division of the said properties are detailed as follows:

- 2. All that piece and parcel of agricultural land bearing Sy. No. 28/1A2 (Alternate), admeasuring 02 Acres 35 Guntas (equivalent to 115 Guntas), situated at Hulikunte Village, Parashuramapura Hobli, Challakere Taluk, Chitradurga District, and bounded on the:*

East: Land of Govindaraju

West: Land of Veerabhadraiah

North: Sy No. 28/1A1 (Land of petitioners)

South: Sy No. 28/2 (A part of share to petitioners in Item no.1)

- b. In respect of the share of respondent No. 2, the property described as Item No. 1 comprises all that piece and parcel of dry agricultural land bearing Sy. No. 28/2, admeasuring 12 Acres 04 Guntas, situated within the revenue limits of Hulikunte Village, Parashuramapura Hobli, Challakere Taluk, Chitradurga District, bounded as follows:*

East: Land of R T Hanumanthappa

West: Land of Veerabhadraiah

North: Share of respondents in Sy No.28/2

South: Land of Shivarudrappa



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1. The respondents no 1(a) to 1(d) and 3, having secured their specific shares pursuant to the registered Partition Deed dated 16.03.1988, which was reflected in order of the Hon'ble High Court of Karnataka in RFA No. 316/2003, retain no further right, title, or interest in the suit schedule property. Consequently, these Defendants are legally bound by the observations and findings of the said judgment.

II. The respective shares and entitlements of petitioners Nos. 1,2(a) to 2(c) and 3, (Thipperudrappa, Anitha.B.V, Sanath.R.U, Kushal.R.U and T.Thippamma) together with respondent No. 3, (R.T.Swamy) in the Schedule Property designated as Item No. 2 (Dry Land bearing Sy. No. 19/2) are set out hereunder:

a. The petitioners Nos. 1,2(a) to 2(c) and 3 are collectively entitled to their respective shares in the property described as Item No. 2.

It is agreed that the petitioners shall be entitled to an extent of 15 Guntas carved out of the original suit schedule property bearing Sy. No. 19/2, situated within the revenue limits of Rangenahally Village, Dharmapura Hobli, Hiriya Taluk, Chitradurga District, which is bounded by:

East: Share allotted to R T Swamy
(respondent No.3) after division



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West: Hosabegarhatti and well

North: Land of R S Thipperudrappa

South: Land of R S Rajashekarappa

b. respondent No. 3, R T Swamy is entitled to a share in the property described as Item No. 2 of the Suit Schedule.

It is hereby agreed that respondent No. 3 is allotted/granted a specific portion of land admeasuring 30 Guntas out of the suit schedule property bearing Sy. No. 19/2, situated at Rangenahally Village, Dharmapura Hobli, Hiriyur Taluk, Chitradurga District. The said portion of 30 Guntas is bounded on the:

East: Halebegarahatti Road (SC Colony)

West: Share of petitioners

No.1,2(a) to 2(c)& 3's after division

North: Land of R S Thipperudrappa

South: Land of R S Rajashekarappa

c. The respondents No. 1(a) to 1(d) and 2, having secured their specific shares pursuant to the registered Partition Deed dated 16.03.1988, which was reflected in order of the Hon'ble High Court of Karnataka in RFA No. 316/2003, retain no further right, title, or interest in the suit schedule property.



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Consequently, these Defendants are legally bound by the observations and findings of the said judgment.

III. The allotment of shares to petitioners Nos. 1, 2(a) to 2(c) and 3 (Thipperudrappa, Anitha.B.V, Sanath.R.U, Kushal.R.U and T.Thippamma) and respondents No. 1(a) to 1(d) (Swamy.R.M, Jagadeesha.R.M, Lokesh.R.M and Jyothi.R.M) in respect of Item No. 3 (House Property) is as follows:

a. The petitioners Nos. 1,2(a) to 2(c) and 3 are collectively entitled to their respective shares in the property described as Item No. 3 of the Suit Schedule.

*The petitioners shall be allotted their one-third (1/3rd) share in the residential property bearing Khanesumari No. 70, New Assessment No. 63, admeasuring 1,045.33 sq. ft., (E-W 56*18.67 ft=1045.33 Sq ft) situated at Rangenahalli Village, Dharmapura Hobali, Hiriur Taluk, Chitradurga District, which is bounded as follows:*

East: Vacant site

*West: House of Poojari Thimmanna,
Bhoothanna & Road*

*North: Share of respondents No.1(a) to 1(d)
in Item No.3 after division*

South: House of R S Thipperudrappa

b. The property described as Item No. 3 is hereby allotted to respondents Nos. 1(a) to 1(d)—Swamy R.



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M., Jagadeesha R. M., Lokesha R. M., and Jyothi R. M.—collectively, towards their legitimate share.

*It is submitted that the petitioners are entitled to their respective one-third shares only after respondents No. 1(a) to 1(d) shall be entitled to their share in the house property bearing Khanesumari No. 70 (New Assessment No. 63), admeasuring 2,090.67 sq. ft.,(E-W 56*37.33 ft=2,090.67 sq ft) situated at Rangenahalli Village, Dharmapura Hobali, Hiriyur Taluk, Chitradurga District, which is bounded as follows:*

East: Vacant site

*West: House of Poojari Thimmanna,
Bhoothanna & Road*

North: House of Poojari Thimmanna & Road

South: Share of petitioners allotted in Item

No.3 after division

c. The respondents No. 2 and 3, having secured their specific shares pursuant to the registered Partition Deed dated 16.03.1988, which was reflected in order of the Hon'ble High Court of Karnataka in RFA No. 316/2003, retain no further right, title, or interest in the suit schedule property. Consequently, these Defendants are legally bound by the observations and findings of the said judgment.



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- 1. That the parties have arrived at this compromise voluntarily and without any coercion, undue influence, or misrepresentation.*
- 2. That the terms of this compromise are lawful and not contrary to public policy.*
- 3. That in view of the amicable settlement arrived at between the parties, no further adjudication is required in the present final decree petition, in the interest of justice and equity.*

PRAYER

Wherefore, the petitioners and Respondents jointly pray that this Hon'ble Court may kindly:

- a. Take this compromise petition on record and record the joint compromise under order XXIII Rule 3 of code of civil procedure, 1908;*

Direct the Senior Civil Judge & JMFC, Hiriya in FDP 2/2013 to draw a final decree in terms of the compromise petition produced herein; and pass such other order as this Hon'ble court deems fit in the interest of justice and equity."

- 4. I have perused the joint compromise petition filed. The same is in accordance with law and not opposed to public policy.*



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5. The petitioners as well as the respondents are present before the Court and they are identified by their respective counsel. I have interacted with the petitioners and respondents with regard to the terms of joint compromise petition and they have stated that the joint compromise petition is prepared based on their instructions and on careful perusal and understanding of the terms of compromise, they have affixed their signature on their own volition.

6. The joint compromise petition is accepted and placed on record.

7. It is also noticed that the joint compromise petition is accompanied with the affidavits of the petitioners and the respondents and Aadhaar cards of the parties, same is perused and placed on record.

8. The writ petition is ***disposed of*** in terms of the joint compromise petition. The FDP Court is directed to



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draw the final decree in terms of the aforesaid compromise
petition.

No order as to costs.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

BSR
List No.: 1 Sl No.: 16