



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 833 OF 2018

BETWEEN:

NARAYANA GOWDA,
S/O BOMME GOWDA,
AGED ABOUT 48 YEARS,
R/O. BOOVANAHALLY KOPPALU VILLAGE,
ARASIKERE ROAD,
KASABA HOBLI,
HASSAN TALUK AND DISTRICT - 573 118.

...APPELLANT

(BY SRI. B.K.MANJUNATH., ADVOCATE)

AND:

1. G.K.LALITHKUMAR @ PRAKASH,
S/O. GUNDE GOWDA K.H.,
AGED ABOUT 46 YEARS,
2. GUNDE GOWDA K.H.,
S/O HANUMANTHEGOWDA,
AGED ABOUT 71 YEARS,
RETIRED VILLAGE ACCOUNTANT,
RESPONDENT 1 AND 2 ARE
RESIDENTS OF KATTIHALLI,
KOPPALU VILLAGE, KASABA HOBLI,
HASSAN TALUK AND DISTRICT - 573 201.

...RESPONDENTS

(BY SRI. RATHAN KUMAR K.N., ADVOCATE FOR R1)

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Location:
HIGH
COURT OF
KARNATAKA



THIS RSA IS FILED UNDER SECTION 100 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED 24.01.2018 PASSED IN R.A.NO.19/2013 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE, HASSAN, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 07.12.2012 PASSED IN O.S.NO.121/2007 ON THE FILE OF THE PRINCIPAL CIVIL JUDGE AND JMFC, HASSAN.

THIS APPEAL, COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

Appellant and 1st Respondent are present. A Joint memo dated 03.07.2026 is filed which reads as under:

" The Appellant and Respondent No.1 have entered into compromise in the above RSA and compromise petition under order 23 Rule 3 r/w 151 of CPC has also signed by both the parties and kept ready. It is submitted that the Respondent No.2 is the father of the 1st Respondent. The Respondent No.2 is aged 88 years and has been suffering from brain stroke, dementia and several other age-old issues. At present Respondent No.2 is completely bed ridden and he is not able to recognise anything. Further due to the medical condition faced by 2nd Respondent he is not in a position to come to Bengaluru and file the above compromise petition. To that extent a medical certificate is also filed along with this joint memo as Document No.1.

It is submitted that the 2nd Respondent is a formal party to the said suit and in the above appeal. Further 1st Respondent represents the interest of the 2nd Respondent who is his father and agreed for deletion of the 2nd Respondent in the above Regular Second



Appeal. The Appellant has also agreed to delete the 2nd Respondent in the above appeal since the interest of the 2nd Respondent is represented by the 1st Respondent and moreover the 2nd Respondent is a formal party to the suit because the easmentary right which is sought over the land is self-acquired property Respondent No.1.

Wherefore, the Appellant and 1st Respondent pray that this Hon'ble Court be pleased to delete the 2nd Respondent in the above appeal and permit the Appellant and Respondent No. 1 to file the compromise petition."

2. Placing the joint memo on record, Respondent No.2 is deleted from the appeal at the risk of the parties.

3. Appellant and first respondent have presented a compromise petition under Order XXIII Rule 3 read with Section 151 CPC, 1908 signed by them and their respective advocates.

4. Contents of the joint memo are explained to the parties in Kannada language and parties agree that contents of the compromise petition depict the true terms of settlement and there is no force, undue influence or coercion in reaching out the terms of the compromise. It is agreed by parties that though in the suit, only 5 feet road was sought for, which was decreed and in the compromise petition there is 30 feet wide



road left by the defendant for the usage of ingress and egress of the plaintiff and anybody claiming under plaintiff.

4. Accordingly there is no impediment for this Court to dispose of the appeal in terms of the compromise petition.

5. Hence, following order:

O R D E R

(i) Appeal stands disposed of in terms of the compromise petition.

(ii) Office is directed to pass modified decree in terms of the compromise petition, appending copy of the compromise petition as part of the decree.

(iii) No order as to costs.

**Sd/-
(V SRISHANANDA)
JUDGE**