



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

REGULAR FIRST APPEAL NO. 1507 OF 2015 (PAR)

BETWEEN:

1. SRI. HANUMANTHA,
S/O BYLAPPA,
AGED ABOUT 48 YEARS,
RESIDING AT
KANIMINIKE VILLAGE,
KUMBALAGODU POST,
Kengeri Hobli,
BANGALORE SOUTH TALUK.
2. SRI. GOVINDAPPA,
S/O BYLAPPA,
AGED ABOUT 45 YEARS,
RESIDING AT
KANIMINIKE VILLAGE,
KUMBALAGODU POST,
Kengeri Hobli,
BANGALORE SOUTH TALUK.

...APPELLANTS

(BY SRI. VISHWANATHA K., ADVOCATE)

AND:

SMT. HANUMAKKA,
W/O K.T. GOVINDAPPA,
D/O BYLAPPA,
AGED ABOUT 56 YEAR,
R/AT KANIMINIKE VILLAGE,
KUMBALAGODU POST,



KENGEIR HOBLI,
BANGALORE SOUTY TALUK.

...RESPONDENT

(BY SRI.M.G. SIDDALINGAIAH, ADVOCATE)

THIS RFA IS FILED UNDER SECTION 96 R/W ORDER XLI
RULE 1 OF THE OF CPC., AGAINST THE JUDGMENT AND
DECREE DATED:19.08.2015 PASSED IN O.S.NO.587/2010 ON
THE FILE OF THE PR. SENIOR CIVIL JUDGE, BANGALORE
RURAL DISTRICT,BAGALORE, DECREERING THE SUIT FOR
PARTITION AND SEPARATE POSSESSION AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

This appeal by the defendants, assailing the
judgment and decree dated 19.08.2015, passed by the
Principal Senior Civil Judge, Bangalore Rural District,
Bangalore¹ in O.S.No.587/2010.

¹ "Trial Court" for short



2. The trial Court under the impugned judgment and decree, decreed the suit, holding that the plaintiff is entitled for 1/3rd share in the suit schedule property by way of partition and separate possession by metes and bounds.

3. The parties have settled their dispute out of Court by intervention of their elders, well-wishers and family members, and they have filed a compromise petition under Order XXIII Rule 3 of Code of Civil Procedure, 1908, on 10.06.2026, settling their dispute *inter-se*.

4. The terms of the compromise reads as follows:

"a) Both the Appellants/Defendants and the Respondent/Plaintiff admit that late Lakkanna had executed a registered Will dated 29.06.1992.

b) The parties further admit that under the said registered Will, the suit-schedule property bearing Sy. No. 83 measuring 1 Acre 07 Guntas situated at Kanminike Village, Kengeri Hobli, Bengaluru South Taluk, was exclusively bequeathed in favour of the Defendants herein.

c) It is agreed and admitted that no portion of the suit schedule property was allotted or



bequeathed to the Respondent/Plaintiff under the said Will.

d) After filing of the appeal, the original registered Will dated 29.06.1992 has been handed over to the Appellants/Defendants.

e) The Respondent/Plaintiff hereby declares that she has no right, title, interest, or claim whatsoever over the suit schedule property and has no objection to the Appellants/Defendants to exclusively possess, enjoy, and deal with the suit schedule property as absolute owners.

f) The Respondent/Plaintiff agrees that the Judgment and Decree passed in O.S. No. 587/2010 may be set aside and the suit filed by her may be dismissed."

5. Parties are present before this Court, who have been identified by their respective counsel. The contents of the compromise petition, which is in English has been explained to the parties in Kannada and the language which they are acquired stated that they have understood the contents stated in the compromise petition and agreed upon the same without any coercion, undue influence or misrepresentation and affixed their signature on free will.



6. We having satisfied with the terms of the compromise, ***dispose of*** this appeal in terms of the compromise petition filed afore.

7. The registry is directed to draw the consent decree in terms of the compromise petition.

No order as to costs.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

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