



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

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

REGULAR FIRST APPEAL NO. 1683 OF 2025 (DEC)

BETWEEN:

1. SRI. DILEEPKUMAR H.S.,
AGED ABOUT 43 YEARS,
SON OF LATE SHIVANNA,
2. SRI. LAKSHMINARAYANA H.S.,
AGED ABOUT 47 YEARS,
SON OF LATE SHIVANNA,
3. SMT. H.S. LENA.,
AGED ABOUT 45 YEARS,
DAUGHTER OF LATE SHIVANNA

ALL ARE RESIDING AT:
NO. 8, 8TH MAIN ROAD,
SARVAJANIKA HOSTEL ROAD,
VIDYARANYAPURAM,
FORT MOHALLA,
MYSURU - 570 008.

...APPELLANTS

(BY SRI.YUKTHA ANIL., ADVOCATE)

AND:

1. DR. M. RAGHAVENDRA,
AGED ABOUT 55 YEARS,

Digitally
signed by
REKHA R
Location:
High Court
of
Karnataka



SON OF LATE DR.PADMANABHACHAR,
RESIDING AT NO.674, 17TH MAIN,
SARASWATHIPURAM,
MYSURU - 579 009.

2. SRI. RAVINDRANATH H.S.,
AGED ABOUT 49 YEARS,
SON OF SHIVANNA,
RESIDING AT NO. 2053,
6TH CROSS, K BLOCK,
KUVEMPU NAGAR,
MYSURU - 570 023.

INCORRECTLY STATED IN THE PLAINT
AS: RESIDNG AT NO.8, 8TH MAIN,
SARAVAJANIKA HOSTEL ROAD,
VIDYARANYAPURAM,
FORT MOHALLA,
MYSURU - 570 008.

...RESPONDENTS

(BY SRI. SKANDA R.K RAO, ADVOCATE FOR R1)

THIS RFA IS FILED UNDER SECTION 96 OF CPC,
AGAINST THE JUDGMENT AND DECREE DATED 28.04.2025 IN
O.S.NO.689/2020 ON THE FILE OF THE VII ADDITIONAL
SENIOR CIVIL JUDGE AND JMFC, MYSURU, PARTLY DECREERING
THE SUIT FOR DECLARATION.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE T.M.NADAF



ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

Heard, the learned counsel appearing for the appellant as well as the learned counsel appearing for respondent No.1.

2. It is submitted that though notice has been taken to respondent No.2, the notice has remained unclaimed. The learned counsel for the appellant further submits that respondent No.2 had remained *ex-parte* before the trial Court as well and that in the nature of the compromise entered into between the appellant and respondent No.1, the presence of respondent No.2 is not necessary for recording the compromise.

3. The suit was instituted seeking a declaration that the Partition Deed dated 23.07.2020 and the Release Deed dated 30.07.2020 are null and void and not binding on the plaintiff. The plaintiff also sought specific performance of the Agreement of Sale dated 02.06.2019. The Trial Court partly decreed the suit by declaring the



Partition Deed and Release Deed as null and void and by directing refund of the earnest money to the plaintiff. Aggrieved by the said judgment and decree, Defendants No. 2 to 4 have preferred the present appeal.

4. It is submitted that in exchange for money, the plaintiff - respondent No.1, is agreeing to withdraw the suit in its entirety and therefore, the presence of respondent No.2 would not be required for disposing of the appeal.

5. A compromise petition is filed by the appellants and respondent No.1 - plaintiff, in which it is clearly stated at paragraphs No.10 to 12 as under:

**"MEMORANDUM OF COMPROMISE PETITION
UNDER SECTION 23 RULE 3 OF THE CODE OF CIVIL
PROCEDURE**

XXXXX
XXXXX

10. The parties being mindful of their position in the suit and the current state of affairs re the suit in O.S. No. 689/2020 have agreed as follows:

(1) The Appellants shall handover the consideration for this compromise agreement of Rs. 1,00,00,000/- by way



of Demand Draft dated 02.02.2026, drawn in favour of Ragavendra M, and Bearing No. 433679 000002000 000572 16, to the 1st Respondent before the Hon'ble High Court of Karnataka.

(ii) The Respondent No. 1 / Plaintiff shall unconditionally withdraw O.S. No. 689/2020 on the file of the VII Additional Senior Civil Judge & JMFC, at Mysuru without liberty, on receipt of the DD for Rs. 1,00,00,000 by conceding to a decree being passed by this Hon'ble Court dismissing the suit as withdrawn without liberty.

11. The parties agree and affirm that this compromise agreement shall be deemed to have commenced upon the date of signature of the parties hereof and this date shall hereinafter be referred to as the 'effective date.'

12. The Plaintiff / Respondent No. 1 undertakes and affirms that he shall not, from the effective date of this compromise, initiate legal proceedings either directly or indirectly against the Appellants in respect of the subject matter of the suit nor shall he thereafter place reliance on the Agreement of Sale dated 02-06-2019 executed between Respondent No. 2 and himself in any legal proceeding.

XXXXX
XXXXX

WHEREFORE, *it is prayed that this Hon'ble Court may be pleased to record this compromise and set aside the*



Judgment and Decree in O.S. No. 689/2020 dated 28.04.2025 on the file of the VII Additional Senior Civil Judge & JMFC, at Mysuru and dismiss O.S. No. 689/2020 as withdrawn without any liberty, in the interest of justice and equity."

6. Appellant No.1 is present before the Court today and the GPA of appellants No.2 and 3 in his favor are also produced. Respondent No.1 is also present before the Court today and the parties have been duly identified by their respective counsel.

7. We have heard the counsel for the parties as well. The learned counsel for respondent No.1 - plaintiff submits that the plaintiff is ready and willing to withdraw the suit in its entirety and will not raise any claims in terms of the suit or the decree which has been rendered in the suit as against the appellant herein or as against respondent No.2. In the above view of the matter, we are of the opinion that the compromise can be recorded.

8. The appellant has handed over Demand Draft for an amount of Rs.1,00,00,000/- dated 02.02.2026



bearing No.433679 drawn on State Bank of India, Visweshwar Nagar Branch in favor of Raghavendra.M. The parties agree to the compromise by withdrawing the suit and it is agreed that no further claims will be raised in respect of the transaction referred to in the plaint in any further proceedings.

9. In view of the aforesaid terms of the compromise petition, the appeal is ***disposed of***, recording the compromise and the unconditional withdrawal of the suit in O.S.No.689/2020.

All pending interlocutory applications shall stand disposed of.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

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