



CNR: KAHC010472052019

NC: 2026:KHC:36670
RFA No. 2158 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

REGULAR FIRST APPEAL NO. 2158 OF 2019 (DEC/INJ)

BETWEEN:

1. DR. MOHAMMED ALTAF HUSSAIN
S/OG HUSSAIN PIRAL
AGED ABOUT 66 YEARS
R/A NO.732
12TH MAIN, III STAGE
RAJAJINAGAR
BENGALURU – 560 010.

...APPELLANT

(BY SRI. PRASANNA KUMAR C S, ADVOCATE)

AND:

1. SMT. PARVATHAMMA
W/O LATE LINGAPPA
AGED ABOUT 66 YEARS
R/A 16TH CROSS
SHREE GANDHADA NAGAR

Digitally
signed by
THEJAS
KUMAR N
Location:
HIGH
COURT OF
KARNATAKA



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HEGGANAHALLI,
VISHVANIDAM POST
BENGALURU – 560 091.

2. MR. SADUQ
S/O NOT KNOWN TO THE
PLAINTIFF/APPELLANT
AGED ABOUT 55 YEARS
R/A NO.16, KREEMSAB LAYOUT
SHREEGANDHADA KAVALU
BENGALURU – 560 091.

...RESPONDENTS

(BY SRI. SHASHANK SRIDHAR, ADVOCATE FOR R1;
V/O DATED 15/6/26-APPEAL AGAINST R2 IS DISMISSED)

THIS RFA IS FILED UNDER SECTION 96 R/W ORDER 41
OF CODE OF CIVIL PROCEDURE PRAYING TO SET ASIDE THE
JUDGMENT AND DECREE O.S NO.1166/2010 DATED
03.08.2019 PASSED DISMISSING THE SUIT OF THE APPELLANT
BY THE XII ADDITIONAL CITY CIVIL SESSIONS JUDGE AT
BENGALURU AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR



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ORAL JUDGMENT

Learned counsel for the appellant and respondent No.1 have submitted memorandum of compromise petition filed under Order XXIII Rule 3 of CPC. They have submitted that they have compromised the matter between themselves amicably on their own will and wish without any undue influence and coercion by any other third party. Therefore, requested to dispose of the appeal in terms of the compromise petition.

2. Their submission and compromise petition are placed on record.

3. To the compromise petition, the appellant and the Advocates for both the parties have put their respective signatures. The compromise petition reads as under:

**"COMPROMISE PETITION UNDER ORDER XXIII
RULE 3 OF THE CODE OF CIVIL PROCEDURE,
1908**

*The Appellant and the Respondents above
named, most respectfully submit as follows:*



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1. *The Appellant herein, namely Dr. Mohamed Altaf Hussain, had instituted a suit in O.S. No. 1166/2010 on the file of the XII Additional City Civil Judge, Bengaluru, seeking for a declaration of title and consequential relief of possession in respect of the suit Schedule property against the defendant/Respondent No.1.*
2. *The said suit came to be dismissed by the Learned Trial Court vide Judgment and Decree dated 03.08.2019, against which the Plaintiff preferred the present Regular First Appeal No. 2158/2019 before this Hon'ble Court.*
3. *It is further submitted that, the dispute between the parties with respect to the identity and ownership of the properties bearing Site Nos. 17 and 18, as the Respondent has been asserting ownership over both the said sites, whereas the Appellant was claiming ownership and possession particularly over Site No. 18. During the pendency of the present appeal, the parties, namely the Appellant and the Respondents, have entered into amicable negotiations with a view to settle all their disputes once and for all, in order to avoid prolonged litigation and to bring about a final and peaceful resolution of the matter.*
4. *Pursuant to such understanding, the Appellant and the Respondents have mutually agreed to sell and convey their respective sites, namely Site No. 18 (belonging to the Appellant) and Site No. 17 & 18 (belonging to the Respondents), both situated adjacent to each other and forming part of Survey No. 74/1, to Mr. Suresh and Mr. Devaraj P., the intending purchasers, for a total sale consideration of Rs. 1,38,62,000/-*



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(Rupees One Crore Thirty-Eight Lakhs Sixty-Two Thousand Only).

5. *It is agreed that out of the said total sale consideration, the purchasers have agreed to pay a sum of Rs.70,00,000/- (Rupees Seventy Lakhs only) to the Appellant, Dr. Mohamed Altaf Hussain, towards full and final settlement of all his claims, rights, title, and Interest over the property bearing Site No. 18, and in consideration of the said payment, the Appellant has agreed to withdraw the present appeal and abandon all claims against the Respondents absolutely and unconditionally.*
6. *The balance sale consideration out of Rs.78,62,000/- shall be paid to the Respondent in terms of the said sale transaction, and the Respondent shall accordingly execute the necessary conveyance documents jointly with the Appellant in favour of the purchasers, namely Mr. Suresh and Mr. Devaraj P., in accordance with the terms of the Agreement of Sale dated 30/08/2025. A copy of which is annexed hereto and marked as Annexure A to this compromise petition.*
7. *It is submitted that, in order to ensure that a clear and marketable title is conveyed to the purchasers, namely Mr. Suresh and Mr. Devaraj P., and to bring finality to all controversies relating to title, possession, and enjoyment of the said properties, the Appellant hereby unequivocally gives up all his rights, claims, and contentions over both Site No. 17 & 18, and admits and acknowledges that the Respondent is the absolute owners of the sites bearing 17 & 18.*



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8. *The parties hereto declare that the above settlement has been arrived at voluntarily, of their own free will and volition, without any coercion, undue influence, misrepresentation, or pressure of any kind, and after fully understanding the implications and consequences of this settlement.*
9. *The parties further declare that upon receipt of the said sum of Rs. 70,00,000/-, the Appellant shall have no further claim or right, title, or interest of any kind whatsoever over the schedule property or against the Respondents in respect of the subject matter of this appeal, and the same shall stand finally and irrevocably settled.*
10. *The parties humbly pray that this Hon'ble Court be pleased to record this compromise and pass a decree in terms of this compromise petition, and to direct that the compromise shall form part of the decree of this Hon'ble Court.*
11. *The parties submit that they have duly signed this Compromise Petition in the presence of their respective counsel, and the same may kindly be recorded in the interest of justice and equity.*

SUIT SCHEDULE PROPERTY

All that piece and parcel of the immovable property bearing Site No. 18, situated in Survey No. 74/1, Katha No. 74/1/18, of Dasarahalli Town Municipality, within the limits of Shree Gandhada Kavalu, Yeshwanthapura Hobli, Bengaluru North Taluk, measuring East to West: on the northern side 51 feet on the southern side 41 feet and North to South: 60 feet, bounded



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*EAST BY: Private Property
WEST BY: 30 feet Road
NORTH BY: Site Bearing No. 17
SOUTH BY: 40 feet Road*

PRAYER

Wherefore, the Appellant and the Respondents most respectfully pray that this Hon'ble Court may be pleased to:

- A. Record the above compromise entered into between the Appellant and the Respondents;*
- B. Dispose of the appeal in terms of the compromise; and*
- C. Incorporate the terms of this compromise petition in the decree to be drawn by this Hon'ble Court, in the interest of justice and equity."*

4. Accordingly, the appeal is **disposed of** in terms of the compromise petition.

5. Draw the decree accordingly.

6. The copy of the compromise petition shall be read as part and parcel of the decree.

**Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE**