



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST 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. 1464 OF 2017 (MON)

BETWEEN:

K B SHANKAR
S/O LATE BORAIHAH
AGED ABOUT 60 YEARS
SINCE DEAD BY HIS LRS

1. MEENAKSHI. S.P
W/O LATE K.B.SHANKAR,
AGED ABOUT 58 YEARS,
2. VINAY.S
SON OF LATE K.B.SHANKAR,
AGED ABOUT 35 YEARS,
3. CHANDAN.S
SON OF LATE K.B.SHANKAR,
AGED ABOUT 32 YEARS

ALL ARE R/AT No.3, STATE BANK OF MYSORE
HOUSEING CO-OPERATIVE SOCIETY LIMITED
BLOCK No.20, EXTENSION OF MYSORE CITY,
SRIRAMAPURA 2ND STAGE,
CHAMARAJA MOHALLA,
MYSROE-570023.

...APPELLANTS

(BY SRI. VIVEK B.N, ADVOCATE FOR LRS OR DECEASED
APPELLANT)

Digitally
signed by
VASANTHA
KUMARY B K
Location:
HIGH
COURT OF
KARNATAKA



AND:

1. H MADHURI
W/O HARI
R/A NO.4/1, 2ND FLOOR
IST MAIN, BHUVANAPPA LAYOUT
DRC POST
HOSUR ROAD
BENGALURU-560029

...RESPONDENT

(BY SRI. RAGHU PRAKASH BABU D., ADVOCATE)

THIS RFA IS FILED UNDER SECTION 96 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 24.4.2017 PASSED IN OS NO.4631/2014 ON THE FILE OF THE XIX ADDL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE CITY, PARTLY DECREETING THE SUIT FOR RECOVERY OF MONEY.

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 D K SINGH)

The present appeal is filed under Section 96 r/w Order 41 Rule 1 of the Code of Civil Procedure 1908 (for brevity referred to as '**the CPC**') by the defendant challenging the impugned judgment and decree dated 24.04.2017 passed by the XIX Additional City Civil and Sessions Judge at Bangalore City, (CCH No.18) in O.S.No.4631/2014.



2. The Trial Court has decreed the suit and passed a decree against the defendant/appellant for a sum of Rs.59,40,365/- with costs, current and future interest at the rate of 10% p.a. on the principal amount of Rs.48,00,000/- from the date of the suit, till realization of the amount.

3. During the pendency of this appeal, the parties have settled their dispute amicably outside the Court and have filed a compromise petition for passing a consent decree in terms of the compromise as set out in the application filed under Order XXIII Rule 3 r/w Section 151 of CPC.

4. The parties, who are present before the Court have been identified by their respective counsel. The parties have put their signatures on each page of the compromise petition. Even the counsels representing the parties have affixed their signatures. The terms of the compromise petition read as under :-

"MEMORANDUM OF COMPROMISE UNDER ORDER XXIII
RULE 3 OF THE CODE OF CIVIL PROCEDURE, 1908:

*The LR's of Appellant and the Respondent above named
humbly*



submits as follows:-

(1) The parties to the above appeal have settled their claim amicably. That the parties hereto at the advice of the friends and well-wishers have settled the above dispute on the following terms.

(2) The appellant has agreed to pay a sum of Rs.73,00,000/-[Rupees Seventy Three Lakhs only] by way of Demand draft dated: 04/06/2026, bearing No. 008116, drawn on Kotak Mahindra Bank, Sahakarnagar Branch, Bengaluru in the name of the respondent i.e., H. Madhuri, in full and final satisfaction of all claims in O.S. No. 4631/2014 on the file of the XIX Additional City Civil and Sessions Judge, Bengaluru, and the respondent has also received the said amount in full and final satisfaction of all claims against the Appellants.

(3) Both the parties have no claims against each other in respect of the decretal amount.

(4) The parties have also no claims against each other in respect of the agreement of sale and the liabilities arising out of the said agreement of sale or claims in O.S. No. 4631/2014 in any manner and they are completely discharged against each other with the liabilities.

THEREFORE, the above appeal may be disposed off in terms of the above compromise entered into by the Appellants and the Respondent, and the Appellants humbly pray that this Hon'ble Court may kindly be pleased to refund the entire court fee to 1st LR of the



*Appellant i.e., Meenakshi S. P. in the above appeal,
since the matter is compromised between the parties
amicably."*

5. The parties present before the Court state that they have entered into the terms of compromise as stated in the compromise petition on their free will, without any force/coercion or undue influence.

6. Let a consent decree be passed in terms of the compromise.

7. If the appellants are entitled for refund of the Court fee, registry to refund the same in accordance with law and relevant rules.

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

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