



CNR: KAHC010508272023

NC: 2026:KHC:43326-DB
COMAP No. 405 of 2023

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 12TH DAY OF AUGUST, 2026**

PRESENT

**THE HON'BLE MRS. JUSTICE ANU SIVARAMAN
AND
THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA
COMMERCIAL APPEAL NO. 405 OF 2023 (RES)**

BETWEEN:

1. M/S SRI. SHANMUGA MODERN RICE MILLS (P) LTD.,
KGF MAIN ROAD
DESHIHALLI
DESHIHALLI POST
BANGARPET 563114
RPTD BY ITS MANAGING
DIRECTOR
2. SRI. SHANMUGAM
KGF MAIN ROAD
DESHIHALLI
DESHIHALLI POST
BANGARPET 563114

Digitally
signed by
PAVITHRA N
Location:
High Court
of Karnataka

...APPELLANTS

(BY SRI. S JAGAN BABU, ADVOCATE)

AND:

SRI.S GOVINDARAJULU
S/O SUBBAIAH
AGED ABOUT 67 YEARS



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R/O S G KOTE VILLAGE AND POST
BANGARPET TALUK 563114

...RESPONDENT

(BY SRI. CHETHAN A., ADVOCATE FOR C/R)

THIS COMAP IS FILED UNDER SECTION 13(1-A) OF THE COMMERCIAL COURT ACT, PRAYING TO 1. CALL FOR THE ENTIRE RECORDS FROM THE COURT OF THE PRL. DISTRICT AND SESSIONS JUDGE AT KOLAR, KOLAR IN COMM.O.S.NO. 35/2020. 2. TO SET ASIDE THE JUDGMENT AND DECREE DATED:15/07/2023 PASSED BY THE LEARNED PRL. DISTRICT AND SESSIONS JUDGE AT KOLAR, KOLAR IN COMM.O.S.NO. 35/2020 AND DISMISS THE SUIT OF RESPONDENT/PLAINTIFF AS PRAYED FOR BY THE APPELLANT/DEFENDANT IN THE WRITTEN STATEMENT AND ETC.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE T.P.VIVEKANANDA



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ORAL JUDGMENT

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

Heard the learned counsel appearing on either side.

2. Learned counsel for the parties submit that the matter is settled between the parties. A joint memo is filed by the appellants and the respondent to that effect. The Joint memo reads as under:-

"1. The Principal District and Sessions Judge at Kolar in Com.O.S. No.35/2020 was pleased to decree that suit filed by the Respondent herein with cost, directing the Appellants/Defendants to pay a sum of Rs.5,84,800/-(Rupees Five Lakh Eighty Four Thousand Eight Hundred) to the Respondent/Plaintiff with interest at the rate of 9% per annum from the date of suit till realization of decretal amount.

2. Aggrieved by the same, the Appellants/Defendants had filed the captioned proceedings against the Respondent/Plaintiff for the relief prayed for in the Appeal memorandum.

3. This Hon'ble Court vide its order dated 09.01.2024 was pleased to allow I.A No.1/2023 filed by the Appellants under Order XLI Rule 5 read with Section 151 of the Code of Civil Procedure, 1908 seeking to stay the operation, execution and enforcement of the



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judgment and decree of the trial Court, subject to condition that Appellant shall deposit entire decretal amount with accrued interest before this Hon'ble Court within a period of four weeks from the date of this order.

4. *In compliance of the same, the Appellant had deposited a sum of Rs.7,86,556/-(Rupees Seven Lakh Eighty Six Thousand Five Hundred and Fifty Six only) on 06.02.2024 as per the directions of this Hon'ble Court. Subsequently, the Respondent had filed an application under Section 151 of the Code of Civil Procedure, 1908 seeking permission to withdraw the said amount deposited by the Appellants and the same is pending consideration.*

5. *During the pendency of the captioned proceedings, the parties have discussed and amicably resolved the disputes between themselves and are entering into the present Memorandum of Compromise to record the full and final settlement of the disputes arising out of the captioned proceedings. The terms of the final settlement are as follows:*

a) The appellants agrees that a sum of Rs.7,86,556/-(Rupees Seven Lakh Eighty-Six Thousand Five Hundred and Fifty Six Only) which is deposited by him on 06.02.2024 can be withdrawn by the respondent unconditionally with accrued interest.



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b) Both the parties mutually agree that the Appellant shall be entitled for refund of the entire court fees and the Respondent confirms that he has no objections to such refund of court fees to the Appellant."

3. Having heard the learned counsel appearing on either side and perused the identity documents produced and in view of the terms of the settlement, we are of the opinion that the settlement can be accepted. The Joint memo filed by the parties is therefore accepted on file.

4. The appeal is ***disposed of*** in terms of the Joint memo. The deposited amount with accrued interest shall be released to the respondent and the eligible Court fee shall be refunded to the appellants on proper identification. The decree shall be drawn up accordingly.

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

**Sd/-
(T.P.VIVEKANANDA)
JUDGE**

RAK, List No.: 3 SI No.: 7