



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 24<sup>TH</sup> DAY OF APRIL, 2026**

**PRESENT**

**THE HON'BLE MRS. JUSTICE ANU SIVARAMAN**

**AND**

**THE HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**REGULAR FIRST APPEAL NO. 380 OF 2020 (PAR/INJ-)**

**BETWEEN:**

1. SMT LALITHA KUMARI  
HINDU, AGED ABOUT 84 YEARS,  
W/O D.N.SACHIDANANDA MURTHY,  
BENGALURU-560 050.
2. DR S.KISHORE BABU  
S/O SRI. D.N.SACHIDANANDA MURTHY,  
AGED ABOUT 58 YEARS,  
R/O NO 81, 18<sup>TH</sup> MAIN , 2<sup>ND</sup> BLOCK,  
BANASHANKARI 1<sup>ST</sup> STAGE,  
BENGALURU-560 050.

...APPELLANTS

(BY SRI. SHAILESH KUMAR.R., ADVOCATE)

**AND:**

1. SRI. D.N.SACHIDANANDA MURTHY  
HINDU, AGED ABOUT 91 YEARS,  
R1 DEAD BY LR'S  
APPELLANTS & R2 ARE TREATED AS LR'S  
OF RESPONDENT NO.1,
2. S.ASHOK BABU  
S/O D.N.SACHIDANANDA MURTHY,  
AGED ABOUT 57 YEARS,  
R/AT NO D4/3, C.V.RAMAN NAGAR,



D.R.D.O.TOWNSHIP,  
BENGALURU-560 093.

3. THE SUB-REGISTRAR,  
BASAVANAGUDI, 3<sup>RD</sup> MAIN,  
CHAMRAJPET, BENGALURU.

...RESPONDENTS

(BY SRI. SHANTHAVEERSWAMY KATTIMATH., ADVOCATE FOR  
R2;

V/O DTD: 27.01.2022, APPELLANT & R2 ARE TREATED AS  
LR'S OF DECEASED R1)

THIS RFA FILED UNDER SEC.96 OF CPC., AGAINST THE  
JUDGMENT AND DECREE DATED 29.07.2019 PASSED IN OS  
NO.25980/2007 ON THE FILE OF THE IV ADDL.CITY CIVIL AND  
SESSIONS JUDGE, MAYOHALL UNIT, BENGALURU (CCH-21)  
DISMISSING THE SUIT FOR PARTITION AND PERPETUAL  
PROHIBITORY INJUNCTION.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN  
&  
HON'BLE MS. JUSTICE TARA VITASTA GANJU

**ORAL JUDGMENT**

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

Heard the learned counsel appearing for the  
appellants.

2. The learned counsel appearing for the appellants  
submits that the parties are settling the matter *interse*



among themselves. A memorandum of settlement under Section 89 of the Code of Civil Procedure, 1908 read with Rules 24 and 25 of the Karnataka Civil Procedure (Mediation) Rules, 2005 has been placed on record. The conditions of the settlement reads as under:

*"I. The Appellants/Plaintiffs filed the above appeal challenging the judgment and decree dated 29.07.2019 passed by the IV Addl. City Civil and Sessions Judge, Mayohall Unit, Bengaluru in [O.S.No.25980/2007](#) wherein the suit filed by the Plaintiffs/Appellants for partition and separate possession of the suit schedule property was dismissed.*

*II. The aforesaid Appeal was referred to mediation for resolving the dispute between the parties. During the course of mediation, the Appellants and the Respondent No.2 along with their respective Advocates appeared in mediation process. Both the parties after a thorough discussion with the able assistance of their respective Advocates have resolved their disputes and have agreed to the following terms and conditions:*

*1. The Appellants have agreed to file a memo at the time of reporting settlement for deletion of the Respondent No.3 who is a formal party.*

*2. Both the parties have agreed to share the suit schedule property 1/3d share and on 04.01.2022 they have effected partition of the suit schedule property by executing a partition deed which is registered before Sub-Registrar, Basavanagudi (Chamarajapete) Bengaluru as document No.CMP-1-06292-2021-22 stored in C.D.No.CMPD948 dated 04.01.2022. Further they have agreed to the recitals contained in the said registered partition deed. They have*



*agreed to take their share as per partition deed dated 04.01.2022 which is more fully described in the schedule.*

*3. The parties have agreed to relinquish all their right, title, interest over the share of the other party and the parties are at liberty to transfer katha and other revenue records in their Individual names by exercising all rights of ownership on their respective share in the Schedule Property.*

*4. Both the parties undertake that either of the parties do not interfere in the peaceful possession and enjoyment of the respective share of the other party.*

*5. Both the parties state that they have no claims of whatsoever nature against each other in future.*

*6. Both the parties have agreed to amicably settle the dispute taking into consideration duration of the litigation with uncertainty of the result and the litigation expenses as also the family background and their relationship with each other and to maintain cordiality among themselves.*

*7. Both the parties agree to appear before the court with their proof of identity to enable the Hon'ble Court to record this settlement.*

**SCHEDULE 'A' PROPERTY**

*All that piece and parcel of Site No.81, New Municipal No.1, PID No.53-156-1, 18 ^ 10 Main, Block No.II in Banashankari First Stage, Extension, Bengaluru measuring East to West (51 1/2 + 54 1/2) / 2 feet, North to South (44 + 48) / 2 feet measuring in all 2438 Sq.ft with house measuring about 1325.28 Sq.ft and constructed with RCC Roof, Masaic Tiles, Doors and Windows of Honne wood and provided with Basic amenities and bounded as follows:*

*East by: Site No.82  
West by: Road  
North by: Road*



*South by: Site No.80*

**SCHEDULE 'B' PROPERTY**

*(Allotted to Smt. Lalitha Kumari- Appellant No.1/Plaintiff)*

*All that piece and parcel of 1 / (3 ^ (rd)) undivided share (amounting to 812.66 sq.feet) of share, right, title and interest in the SCHEDULE 'A' PROPERTY*

**SCHEDULE 'C' PROPERTY**

*(Allotted to Dr.S.Kishore Babu Appellant No.2/Plaintiff)*

*All that piece and parcel of 1 / (3 ^ (rd)) undivided share (amounting to 812.66 sq.feet) of share, right, title and interest in the SCHEDULE 'A' PROPERTY*

**SCHEDULE 'D' PROPERTY**

*(Allotted to Sri. S.Ashok Babu LR of Respondent No.1/Defendant)*

*All that piece and parcel of 1 / (3 ^ (rd)) undivided share (amounting to 812.67 sq.feet) of share, right, title and interest in the SCHEDULE 'A' PROPERTY*

*III. In view of the aforesaid agreement entered into between the parties, the parties pray that this Hon'ble High Court be pleased to disposing off the appeal in terms of this settlement.*

*IV. Parties shall appear before the Hon'ble High Court for passing necessary orders in terms of the agreement whenever the matter is listed before the Hon'ble Court."*

3. The parties are present before the Court and are duly identified by their respective counsel.



4. In the above view of the matter, the compromise is accepted. The appeal is ***disposed of*** in terms of the compromise. The *interse* disputes between the appellants and the respondents are settled in terms of the compromise decree subject to the orders in P & SC No.74/2022, pending before the V Additional City Civil and Sessions Judge (CCH-13) under Section 276 of the Indian Succession Act, 1925 before the Court of the City Civil Judge at Bengaluru.

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

**Sd/-  
(TARA VITASTA GANJU)  
JUDGE**

YKL  
List No.: 1 Sl No.: 12