



CNR: KAHC010532432019

NC: 2026:KHC:50699
WP No. 52665 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 52665 OF 2019 (GM-CPC)

BETWEEN:

1. SMT RUDRAMMA
W/O CHANDRASHEKHARAPPA
AGED ABOUT 71 YEARS,
R/O KAKKARAGOLLA VILLAGE,
DAVANAGERE TALUK AND DIST - 577589.

...PETITIONER

(BY SRI. H.B. RUDRESH, ADVOCATE)

AND:

1. T V MANJUNATH
S/O TELIGI VEERAPPA,
ATGED ABOUT 67 YEARS,
KUMBARAPET, DAVANAGERE-577589.
2. KAVITHA
W/O T.V.SOMASHEKHARAPPA,
AGED ABOUT 57 YEARS,
3. VEERESH
S/O T.V.SOMASHEKHARAPPA,
AGED ABOUT 27 YEARS,
4. VINUTHA
D/O T.V.SOMASHEKHARAPPA,
AGED ABOUT 23 YEARS,

R2 TO R4 ARE R/AT D.NO.3182/39,
VEERESH NILAYA, DAVANAGERE-577005.

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5. SMT. GOWRAMMA
W/O MARULASIDDAPPA
AGED ABOUT 62 YEARS,
D/O TELIGI VEERAPPA,
R/O PATIL SANGAPPA NILAYA,
D.NO.1425/70, 4TH CROSS, BACK SIDE,
OF SANKETH BEAUTY PARLOUR 1ST BUS STOP,
VIDHYANAGAR, DAVANAGERE-577005.
6. PREMAKUMARI
W/O BASAVARAJAPPA
AGED ABOUT 53 YEARS,
R/O KAKKARAGOLLA VILLAGE,
DAVANAGERE TALUK AND DIST-577005.

...RESPONDENTS

(BY SRI. R. RANGASWAMY, ADVOCATE FOR R5;
R1, R2, R3 AND R6 ARE SERVED)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE IMPUGNED ORDER PASSED ON I.A.NO.2 IN FDP NO.20/2018, DATED 17.10.2019 BY THE PRL. SENIOR CIVIL JUDGE, AT DAVANAGERE VIDE ANNEX-H.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is filed by the petitioner-plaintiff calling in question the order dated 17.10.2019 passed on I.A.No.2 in FDP No.20/2018.

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2. Respondent No.5 filed I.A.No.2 before the Final Decree Court seeking inclusion of Item No.2, being the compensation amount of Rs.1,04,00,000/-, in the final decree proceedings. The said application was resisted by the petitioner and respondent No.2 on the premise that the parties had already entered into a compromise in O.S.No.251/2014, wherein they had relinquished their respective claims over the compensation amount. The said compromise was recorded by the Lok Adalat and, pursuant thereto, a compromise decree came to be drawn. It was, therefore, contended that the application seeking inclusion of the compensation amount in the final decree proceedings was not maintainable. The Final Decree Court, having adverted to and taken note of the compromise recorded in O.S.No.251/2014, has rejected I.A.No.2.

3. Heard the learned counsel appearing for the petitioner and perused the material on record.

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4. What is rather unfortunate is that the present writ petition, which is devoid of merit, has remained pending since 2019 and, during this period, the final decree proceedings in FDP No.20/2018 have remained stayed pursuant to the interim order operating in the present proceedings.

5. The records disclose that the petitioner and the respondents were parties to O.S.No.251/2014, wherein the dispute related to their respective rights in the compensation amount. The said dispute was referred to the Lok Adalat, and before the Lok Adalat, the parties entered into a compromise. The settlement so arrived at was duly recorded and a compromise decree came to be drawn in terms thereof.

6. Once the parties, including the present petitioner, have entered into a compromise in O.S.No.251/2014 and a compromise decree has been drawn pursuant to the settlement recorded by the Lok Adalat, the petitioner,

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being a party to the said compromise decree, cannot seek to resile from or indirectly question the binding effect of such decree in collateral proceedings. If the petitioner seeks to assail the compromise decree, the same has to be done in a manner known to law and before the competent forum. Unless the compromise decree is successfully challenged and set aside, the petitioner cannot seek inclusion of the very compensation amount, which was the subject matter of the compromise, in the pending final decree proceedings.

7. In that view of the matter, I.A.No.2 filed before the Final Decree Court seeking inclusion of the compensation amount as Item No.2 was clearly not maintainable. The Final Decree Court, upon considering the compromise decree passed in O.S.No.251/2014, has rightly rejected the application. No ground is made out warranting interference with the impugned order in

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exercise of the jurisdiction under Articles 226 and 227 of the Constitution of India.

8. This Court is of the view that the present petition would otherwise warrant imposition of exemplary costs, particularly having regard to the fact that an interim order has operated since 2019, thereby stalling the final decree proceedings. However, considering the submission made by the learned counsel appearing for the petitioner seeking a lenient view, this Court refrains from imposing costs.

9. For the foregoing reasons, this Court proceeds to pass the following;

ORDER

(i) The writ petition stands ***dismissed***.

(ii) The interim order, if any, operating in the present proceedings stands vacated. The Final Decree Court shall proceed with FDP No.20/2018 and bring the proceedings to their logical conclusion, in accordance with law, without being influenced by any observations

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made herein except to the extent necessary for
disposal of I.A.No.2.

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**(SACHIN SHANKAR MAGADUM)
JUDGE**

NBM
List No.: 1 SI No.: 14