



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

REGULAR FIRST APPEAL NO. 255 OF 2017 (INJ)

BETWEEN:

1. KRISHNA RAO S/O KASI RAO,
SINCE DEAD BY LRS
- 1A. SMT. PREMABAI S.,
AGED ABOUT 59 YEARS
W/O. LATE KRISHNA RAO
- 1B. MR. SANTOSH KUMAR K.,
AGED ABOUT 38 YEARS
S/O. LATE KRISHNA RAO
- 1C. MR. SANDEEP KUMAR K.
AGED ABOUT 35 YEARS
S/O. LATE KRISHNA RAO

Digitally signed
by
SHARADAVANI
B

Location: HIGH
COURT OF
KARNATAKA

ALL ARE RESIDING AT NO.9
13TH E CROSS, CHOLURPALYA
GANESH TEMPLE ROAD
MAGADI ROAD
BENGALURU - 560 023

...APPELLANTS

(BY SRI. MALLIKARJUN N.K., ADVOCATE FOR
SRI. SAMPATH A., ADVOCATE FOR A1(A-C))



AND:

1. SRI JAYASHANKAR
AGED ABOUT 46 YEARS
S/O LATE C ASHWATHNARAYANA
R/AT NO 1ST CROSS, HOSAHALLI,
VIJAYANAGAR ,
BANGALORE - 560 040

...RESPONDENT

(BY SRI. NAGAIHAH, ADVOCATE AND
SRI. VINAY G., ADVOCATE)

THIS RFA IS FILED UNDER SEC.96 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 25.10.2016 PASSED IN OS.NO.4807/2008 ON THE FILE OF THE XIV ADDL. CITY CIVIL JUDGE, BENGALURU, DECREETING THE SUIT FOR POSSESSION AND MANDATORY INJUNCTION.IN TIMECF SUFFICIENTIA 1/17 FOR STAYIA 1/17 FILED UNDER ORDER XLI RULE 5 OF CPC., PRAYING TO STAY THE OPERATION AND EXECUTION OF THE IMPUGNED JUDGMENT AND DECREE DATED 25.10.2016 PASSED BY THE XIV ADDITIONAL CITY CIVIL JUDGE BENGALURU CITY IN O.S.NO.4807/2008 SO AS TO MEET THE ENDS OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA



ORAL JUDGMENT

Both parties and advocates for both parties are present.

2. Application filed under Order XXIII Rule 3 of Code of Civil Procedure. All parties and their advocates have put their signatures. This application is also supported by verifying affidavit of Sri Sandeep Kumar.K and Sri A.Jayasankar. The contents of this compromise petition are read over and explained to both parties in the language known to them, that is, in Kannada language. Both parties have agreed that the terms and conditions of the compromise petition are entered into voluntarily without any coercion, undue influence, misrepresentation or fraud.

3. The said application reads as follows:

The parties to the above most respectfully submit as follows:

- 1) *This Appeal is by the defendant aggrieved by the Judgement and Decree dated 25.10.2016 passed in OS No.4807/2008 by the learned XIV Additional City Civil Judge at Bangalore(CCH- 28) by which the suit*



of the Respondent /Plaintiff came to be partly decreed directing, the appellant to handover the vacant possession within a period of six months from the date of decree and and ordered to remove the construction put up by the appellant by demolishing.

2) At the intervention of the well wishers and friends, the parties to this appeal have amicably settled the dispute among the following terms and conditions:

a) The Appellant agrees to handover the suit schedule property within a period of six months in as is where is condition commencing from 01.03.2026 to 01.09.2026,failing which the Respondent is at liberty to vacate the Appellants in accordance with law.

b) The Respondent agreed to pay sum of ₹18,00,000/- (Eighteen Lakhs only) as full and final settlement to the Appellants within a period of six months from 01.03.2026 to 01.09.2026, failing which he would pay an interest at the rate of 12% per annum for the defaulted period and Appellants are entitled to be in possession of the suit schedulepropertyuntil full payment is received. Even if respondent paid full amount within six months still appellants vacating period from the property will be till 01.09.2026. Appellants are also at liberty to execute the Decree in accordance with law, in the event the Respondents fails to pay the amount as agreed.

c) Further, in the event, the Appellants fail to deliver suit schedule property as agreed above, the Respondent is at liberty to demolish the building and recover the vacant possession of the suit schedule property after the lapse of the agreed time.

WHEREFORE, Appellants and Respondent humbly pray that this Hon'ble Court may be pleased to dispose of this Appeal in terms of the above



compromise and draw Decree accordingly, so as to meet the ends of Justice."

4. This Court is satisfied as to the terms and conditions of the compromise petition which is accepted by both parties. Hence, I proceed to pass the following:

ORDER

Application filed under Order XXIII Rule 3 of Code of Civil Procedure is **allowed** in terms of compromise petition.

The Court Fee paid by the appellant shall be returned to the appellant in accordance with law. The trial Court is also directed to refund the Court Fee paid by the respondent to him in accordance with law.

Draw decree accordingly.

Sd/-
(G BASAVARAJA)
JUDGE

PSJ
List No.: 1 Sl No.: 1