



CNR: KAHC010589152022

NC: 2026:KHC:39678
WP No. 26095 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 29TH DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO. 26095 OF 2022 (GM-CPC)

BETWEEN:

SMT. ROOPA G.
W/O GOVINDARAJULU
AGED ABOUT 40 YEARS
R/AT NO.22/1, 18TH CROSS
4TH BLOCK, PEENYA
BANGALORE - 560 058.

...PETITIONER

(BY SRI RAVINDRA M.R., ADVOCATE)

AND:

1. SRI GOVINDARAJ
S/O VENKATARAMANAPPA
AGED ABOUT 81 YEARS
R/AT NO.249, BOREWELL ROAD
WHITEFIELD, BANGALORE-66.
2. SMT. GAJALAKSHMI
W/O GOVINDARAJ
AGED ABOUT 43 YEARS
R/AT NO.249, BOREWELL ROAD
WHITEFIELD, BANGALORE-560066.
3. SMT. BHARATHI
D/O GOVINDARAJ
W/O MANJUNATH
AGED ABOUT 36 YEARS
R/AT NO. IC 405
ISRO QUARTERS HOUSING COLONY
JALAHALLI, BANGALORE-560031.

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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4. SMT. GAYATHRI
D/O GOVINDARAJU
W/O K. MANJUNATH
AGED ABOUT 33 YEARS
R/AT RSR COLONY
OPP. TO LINGARAJ BUILDING
IMMADIHALLI MAIN ROAD
WHITEFIELD, BANGALORE-560066.
5. SRI G. SATISH
S/O GOVINDARAJU
C/O JAYAMMA
AGED ABOUT 27 YEARS
R/AT 1ST CROSS, VIVEKANANDA ROAD
PENTA COSTAL MISSION
J.M. VESSELS, RAMAMURTHY NAGAR
BANGALORE - 560016.
6. MISS SOWMYA
D/O GOVINDARAJU
AGED ABOUT 20 YEARS
R/AT NO.249, BORWELL ROAD
WHITEFIELD, BANGALORE-66.
7. RAGHUNATH
S/O GOVINDARAJU
AGED ABOUT 23 YEARS
R/AT NO.249, BORWELL ROAD
WHITEFIELD, BANGALORE-66.
8. MR. C. BHASKARAN
S/O LATE SRI PANICKER
AGED ABOUT 60 YEARS
R/AT NO.508, GARUTHAMAN PARK
R.V. ROAD, BENGALURU-560004.

...RESPONDENTS

(BY SRI NARENDRA S., ADVOCATE FOR R1, R2 & R4 TO R7;
SRI RAHUL B. MOHAN, ADVOCATE FOR
SMT. KRUTIKA RAGHAVAN, ADVOCATE FOR R8;
V/O DATED 30.06.2026, WP AGAINST R3 IS ABATED)



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THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ADMIT AND CALL FOR RECORDS FROM THE PRL. SR. CIVIL JUDGE, BENGALURU RURAL DISTRICT COURT, BENGALURU, ON ITS FILE O.S.NO. 298/2003, COMPROMISED DATED 28.08.2008 AND RECORDS IN MISC.90/2016 DISPOSED ON 08.11.2022 BY THE VII ADDL. SENIOR CIVIL JUDGE, BENGALURU RURAL COURT, BENGALURU.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging seeking for the following relief:

"Issue the writ or direction in the nature of writ of mandamus, directing the Prl. Sr. Civil Judge, Bengaluru Rural District Court, Bengaluru to adjudicate the suit on its file O.S.No.298/23003 within the stipulated period and allocate the share of petitioner as claimed in the suit as per Annexure-B".

2. Sri.Ravindra M.R., learned counsel appearing for the petitioner submits that petitioner had filed a suit in O.S.No.298/2003 seeking the relief of partition. In the said suit, a compromise petition was filed between the



parties, the same was accepted before the Lok Adalat and a decree was drawn. It is submitted that the respondent No.1 is the father and the petitioner is his daughter and it was assured by the respondent No.1 that as a token of goodwill, the amount is shown in the compromise petition and the same is paid. But, it was assured that appropriate share of the flats would be given to the petitioner once the respondent No.8-builder completes the construction and handovers the flats. It is further submitted that the respondent No.1 is not adhering to his words and he has executed gift deeds in favour of the other respondents. He has executed gift deed in favour of the second wife and his children who are the respondent Nos.2 to 7. It is also submitted that in view of non-adhering to the promise by the respondent No.1, the decree of the Lok Adalat calls for interference. Hence, he seeks to allow the writ petition by restoring the suit, with a direction to dispose of the suit on merits.



3. *Per contra*, Sri.Narendra S, learned counsel for the respondent Nos.1, 2, 4 to 7 and Sri.Rahul B.Mohan, learned counsel appearing for Smt.Kautika Raghavan, learned counsel for the respondent No.8 support the decree in question and submit that the plaintiff and other two sisters of the petitioner have understood the terms of compromise, they have signed the compromise petition, each one of the plaintiffs have received Rs.28,00,000/- way back in the year 2008 and now, they are turning around and making a false claim. Hence, they seek to dismiss the petition.

4. I have heard the arguments of the learned counsel for the petitioner, the learned counsel for the respondents and meticulously perused the material available on record.

5. The petitioner had filed O.S.No.298/2003 against the respondent Nos.1 to 8 seeking the relief of partition and separate possession. The case of the plaintiff



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is that she is the daughter of the first wife of the defendant No.1 and she is entitled to a share in the suit schedule properties which are the ancestral properties. The defendants have denied the said assertion in the suit. Thereafter, the plaintiff i.e. the petitioner herein and two of her sisters as well as the defendants have filed a compromise petition under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (for short, 'the CPC') and the said compromise petition was recorded before the Lok Adalat and the decree was drawn. As per the compromise petition, the plaintiff Nos.1 to 3 have agreed to receive a sum of Rs.28,00,000/- each from the defendant No.1 in lieu of their share in Item Nos.2, 3 and 4 of the plaint schedule properties. It was agreed between the parties that insofar as Item No.1 of the suit schedule properties is concerned, it is a self-acquired property of the defendant No.1. In the case on hand, the petitioner who was the plaintiff has not denied the signing of the compromise petition, acceptance of the compromise petition before the



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Lok Adalat and drawing of the decree. It is also not disputed by the petitioner that the petitioner has received Rs.28,00,000/- as per the compromise petition through a Demand Draft and the said amount has been released. It is required to be noticed that now the petitioner is contending that there was assurance from the respondent No.1-father that the amount received by the petitioner is the goodwill amount and he has assured to give appropriate share in the flats once the construction is carried out by the respondent No.8 herein. The said assertion does not find any place in the compromise petition which has been categorically denied by the other side. I am of the view that such assertion of the petitioner after more than one decade that too after receipt of Rs.28,00,000/- under the compromise petition, cannot be accepted.

6. It is further required to be noticed that the petitioner had preferred an appeal challenging the



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compromise decree which was rejected, miscellaneous proceedings were initiated, the said proceedings were also rejected as not maintainable and thereafter, the writ petition was filed challenging the decree passed by the Lok Adalat. Be that as it may, the assertion of the petitioner that there was a promise to give certain flats, is merely an assertion and does not find place in the compromise petition and the petitioner-plaintiff does not dispute that the compromise petition was not entered lawfully and voluntarily. In the absence of any such assertion in the compromise petition, I do not find any good ground to interfere with the compromise petition.

7. Accordingly, the writ petition is devoid of merits and the same is hereby ***rejected***.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 1 Sl No.: 45