



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

REGULAR SECOND APPEAL NO. 1658 OF 2011 (INJ)

BETWEEN:

SRI SANMATHA KUMAR
S/O YUVARAJA POOVANI
AGED ABOUT 55 YEARS
R/AT THIPULDABETTU HOUSE
PADUMARNAD VILLAGE AND POST
KARKALLA TALUK, D.K DISTRICT- 575201.

...APPELLANT

(BY SRI. VIJAY KRISHNA BHAT M., ADVOCATE)

AND:

1. SRI KRISHNAPPA SUVARNA
S/O BOGGU POOJARI
AGED ABOUT 60 YEARS

2. SRI JAYA SUVARNA
SINCE DEAD BY HIS LRs.

2(A) SMT. GEETHA
W/O LATE JAYA SUVARNA
AGED ABOUT 59 YEARS

2(B) TEJAS
S/O LATE JAYA SUVARNA
AGED ABOUT 26 YEARS

2(C) NATASHA JAYA SUVARNA
D/O LATE JAYA SUVARNA



AGED ABOUT 24 YEARS

ALL ARE R/AT NEELA BHANDASALE
MOODUMARNAD VILLAGE
MOODUBIDRI TALUK, D.K. DISTRICT.

...RESPONDENTS

(BY SRI. SANATH KUMAR SHETTY., ADVOCATE FOR R1 & R2(A TO C))

THIS RSA IS FILED UNDER SECTION 100 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED: 6.4.2011 PASSED IN R.A.NO.434/2005 ON THE FILE OF THE SENIOR CIVIL JUDGE & ACJM, KARKALA, ALLOWING THE APPEAL AND SETTING ASIDE THE JUDGMENT AND DECREE DATED 24.1.2004 PASSED IN O.S.NO.112/1997 ON THE FILE OF THE III ADDL. CIVIL JUDGE (JR.DN) & JMFC., KARKALA.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL JUDGMENT

This appeal is filed by the plaintiff under Section 100 of CPC, challenging the judgment and decree passed in RA No.434/2005 passed by the Senior Civil Judge and A.C. J. M. Karkala.

2. The Plaintiff filed a suit for permanent injunction in OS No.112/1997 before the III Additional Civil Judge (Jr.Dn.) and JMFC, Karkala. The suit came to be decreed by judgment and decree dated 24.01.2004. Being



aggrieved by the same, the defendants filed an appeal before the Senior Civil Judge and ACJM, Karkala in RA No.434/2005. The appeal came to be allowed and the suit came to be dismissed. Being aggrieved by the same, the plaintiff has filed this regular second appeal.

After service of notice from this Court, the parties have filed a compromise petition under Order 23 Rule 3 of the Code of Civil Procedure, 1908. The appellant is represented by GPA Holder - his son - Sri Veeresh Sanmath Jain. The respondent No.1 and the legal representatives of respondent No.2 are represented by GPA holder - Thejas - respondent No.2(B). They and their signatures have been identified by their respective counsels. They state that they have entered into the settlement out of their volition and without duress from anybody and they have settled the matter in terms of the compromise petition. The compromise petition is extracted below:



"COMPROMISE PETITION FILED UNDER ORDER XXIII
RULE 3 OF THE CODE OF CIVIL PROCEDURE, 1908

*The parties to the above appeal have amicably
settled the dispute out of Court and submit this
Compromise Petition on the following terms:*

*1. The Defendants/Respondents hereby admit and
acknowledge that the Appellant/Plaintiff Sanmath
Kumar is the absolute owner in possession and
enjoyment of the immovable property more fully
described in the 'A' Schedule hereunder.*

*2. The Appellant/Plaintiff is entitled to use the road
measuring 6 meters in width for ingress and egress
to the 'A' Schedule property.*

*3. The Respondents/Defendants shall not claim any
right, title, or interest in the 'A' Schedule property.*

*4. The 'A' Schedule property is shown in Blue colour,
and the reserved road is shown in Brown colour in
the annexed sketch.*

*5. Both the Plaintiff and the Defendants are entitled
to use the said road and shall maintain and repair
the same from time to time by contributing equally.*



6. In terms of this compromise, there shall be an order of permanent injunction restraining the Defendants/Respondents from trespassing upon or interfering with the peaceful possession and enjoyment of the 'A' Schedule property by the Plaintiff/Appellant.

7. This Compromise Petition along with the annexed sketch shall form part of the decree.

8. The appellant is represented by GPA holder. The copy of the GPA dated 16.01.2026 executed by the appellant is produced separately. The parties respectfully pray that this Hon'ble Court be pleased to record the compromise and dispose of the appeal in terms thereof."

4. This Court, after satisfying with the terms of the compromise petition, passes the following order:

- a) The appeal is disposed of in terms of the compromise petition.
- b) The compromise petition filed under Order XXIII Rule 3 of CPC is ordered to be treated as part and parcel of this order.



- c) The Registry is directed to draw the decree in terms of the compromise petition along with the sketch.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 124