



CNR: KAHC010770792025

NC: 2026:KHC:53795
WP No. 35816 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 35816 OF 2025 (GM-RES)

BETWEEN:

MRS. DOROTHY REKHA D'SOUZA,
W/O MR. LANCY FERNANDES,
AGED ABOUT 50 YEARS,
R/AT NO.B1004, SAI GRANDEUR APARTMENTS,
JAIL ROAD, OPPOSITE TO PIO MALL,
MANGALORE-575003.

...PETITIONER

(BY SRI AJAY PRABHU M, ADVOCATE)

AND:

1. MRS. RITA SEQUEIRA,
W/O LATE MR. MOURIS D'SOUZA,
AGED ABOUT 72 YEARS,
R/AT KELAGALALE,
SUNDEKERE,
SAKALESHAPURA TALUK,
HASSAN DISTRICT 573127.
2. THE DISTRICT MAGISTRATE COURT AND
APPELLATE AUTHORITY,
SENIOR CITIZEN MAINTENANCE TRIBUNAL,
HASSAN DISTRICT,
HASSAN-573201.
3. THE ASSISTANT COMMISSIONER AND
CHAIRMAN,
SENIOR CITIZEN MAINTENANCE TRIBUNAL,
SAKALESHAPURA SUB DIVISION,
SAKALESHAPURA,





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HASSAN DISTRICT-573127.

...RESPONDENTS

(BY SRI ANANDA H.J, ADVOCATE FOR R-1;
SRI HARISHA A.S, AGA FOR R-2 & R-3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER QUASHING THE IMPUGNED ORDER BEARING NO. M.A.G.(HE.NAA.RA) 285/2019-20 VIDE ANNEN A DATED 13.01.2022 THEREBY CANCELLING THE REGISTERED PARTITION DEED BEARING NO.S.M.K.-1-00240-2020-21 DATED 04.06.2020 PASSED BY THE RESPONDENT NO.3., AS PER ANNEXURE-A AND ETC.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

1. The present writ petition is filed seeking for the following reliefs:

"i) Issue writ of certiorari or any other appropriate writ or order quashing the impugned order bearing No. M.A.G. (HE.NAA.RA) 285/2019-20 dated 13.01.2022 thereby cancelling The Registered Partition deed bearing No.S.M.K.-1-00240-2020-21 dated 04.06.2020 passed by the Respondent No.3., as per ANNEXURE-A;

II) Issue writ of certiorari or any other appropriate writ or order quashing the impugned order bearing Case No.M.A.G.HE.NAA.RA: 01/2025-26 dated 13.11.2025 passed by Respondent No.2 thereby cancelling the Registered Partition deed bearing No.S.M.K.-1-00240-

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2020-21 dated 04.06.2020 and further directing for cancellation existing Katha and to mutate the name of the Respondent No.1., as per ANNEXURE-B and all further proceedings thereto ANNEXURE-B.

III) Issue any other writ or order or direction that deems fit to grants in the circumstances of the case in the interest of justice and equity."

2. Learned counsel for petitioner and learned counsel for respondent No.1 has filed a joint memo which reads as under:

"JOINT MEMO FILED ON BEHALF OF THE PETITIONER AND
RESPONDENT NO.1

The Petitioner and Respondent No.1 named above most respectfully submit as follows:

1. That with the intervention of the respective counsels and well-wishers, the Petitioner and Respondent No. 1 have resolved their inter-se disputes in the above matter and have decided to compromise the matter by way of filing this Joint Memo. The terms of compromise agreed upon between the parties are as follows:

2. That the Petitioner has on this day paid a total sum of Rs. 13,50,000/-(Rupees Thirteen Lakhs Fifty Thousand only) to the Respondent No.1 towards her maintenance inclusive of all past, present and future maintenance payable to her and the Respondent No.1 does hereby acknowledge receipt of the said amount of Rs.13,50,000/-(Rupees Thirteen Lakhs Fifty Thousand only) towards all her claims against the Petitioner as well as the property situated in Kelagalale Village within the limits of Biradahalli Village Panchayath, Kasaba Hobli of Sakaleshpura Taluk bearing Panchayath Khata No. 14 and Property ID 151600800300620008 measuring 14175 sq.mts, along with house measuring 414 sq.mts, bounded on the east, west and north by road and on the south by the house of Ramegowda or any portion thereof.

3. The aforesaid amount of Rs.13,50,000/- (Rupees Thirteen Lakhs Fifty Thousand only) is paid by the

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Petitioner to the Respondent No.1 in the following manner:

a. A sum of Rs.12,00,000/- (Rupees Twelve Lakhs only) is paid by way of Demand Draft dated 24-09-2026 bearing no.870741 drawn on Canara Bank, Bejai Branch Mangalore, in the name of the Respondent No.1;

b. A sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) is paid by way of cash to the Respondent No.1 on this day.

4. The Respondent No.1 does hereby acknowledge receipt of the aforesaid sum of Rs.13,50,000/- (Rupees Thirteen Lakhs Fifty Thousand only) from the Petitioner.

5. The Respondent No.1 does hereby confirm the validity of the Deed of Partition dated 04-06-2020 registered as Document No.SAK-1-00240-2020-21 entered in Book I stored in CD No.SAKD517 in the Office of the Sub Registrar, Sakaleshpura and further confirms that the same has been executed by her out of her own free will and volition.

6. The Respondent No.1 further confirms that she has no claims whatsoever against the Petitioner or the aforesaid property.

7. The Respondent No.1 confirms that she has no objection whatsoever for setting aside of the Order dated 13-01-2022 passed in proceedings no.M.A.G. (HE.NAA.RA) 285/2019-20 by the Respondent No.3 as well as the Order dated 13-11-2025 passed in proceedings no. M.A.G.HE.NAA.RA:01/2025-26 by the Respondent No.2.

8. The Respondent No.1 further confirms that she has no objection whatsoever for the Petitioner to get the Khata, Form No.9 and 11A and all other revenue documents pertaining to the property situated in Kelagalale Village within the limits of Biradahalli Village Panchayath, Kasaba Hobli of Sakaleshpura Taluk bearing Panchayath Khata No.14 and Property ID 151600800300620008 measuring 14175 sq.mts. along with house measuring 414 sq.mts.

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bounded on the east, west and north by road and on the south by the house of Ramegowda or any portion thereof mutated in the absolute and sole name of the Petitioner. It is clarified that the mutation of the name of the Petitioner in the said revenue records may be obtained by the Petitioner on the basis of this Joint Memo and the Order passed by this Hon'ble Court without requiring any further consent, letter or NOC from the Respondent No.1.

9. That the Petitioner and Respondent No.1 do hereby undertake to maintain cordial relations with each other.

10. The Petitioner and Respondent No.1 have gone through the above settlement terms personally and verified it through their respective counsels. Further, there is not any kind of coercion and undue influence or inducement to enter above settlement.

Wherefore, it is prayed that the Hon'ble Court may be pleased to allow the above writ petition and pass orders accepting this Joint Memo in terms of the agreement arrived at between the Petitioner and Respondent No.1 herein in the interest of justice and equity.

*Place: Bengaluru
Date: 28.09.2026*

*Sd/-
Petitioner*

*Sd/-
Advocate for petitioner*

*Sd/-
Respondent No.1*

*Sd/-
Advocate for Respondent No.1"*

3. Petitioner and respondent No.1 are present in the Court. They confirm that they have agreed to the terms of compromise as furnished in the Joint Memo. Respondent No.1 who is present in the Court has also confirmed the receipt of the amount as mentioned in para No.3 of the Joint Memo.

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4. In view of the aforementioned, the order dated 13.11.2025 passed in Case No.MAG (HE.NAA.RA) 01/2025-26 by respondent No.2 (Annexure-B to the writ petition) as well as the order dated 13.01.2022 passed in Case No.(HE.NAA.RA) 285/2019-20 passed by respondent No.3 (Annexure-A to the writ petition) are quashed.

5. The present writ petition is disposed of in terms of the joint memo.

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(C.M. POONACHA)
JUDGE

BS
List No.: 3 Sl No.: 2