NC: 2025:KHC:53177
WP No. 32797 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO. 32797 OF 2025 (GM-CPC)

BETWEEN:

1. SMT MEENAKSHAMMA
   D/O LATE BADARANGAPPA
   AGED ABOUT 69 YEARS

2. SMT. PUTTARANGAMMA
   D/O LATE BADARANGAPPA
   AGED ABOUT 66 YEARS

   PETITIONERS NO.1 AND 2
   R/AT NEAR VENUGOPALASWAMY
   TEMPLE, PAVAGADA TALUK
   PAVAGADA TALUK- 572 116

3. NAGENDRA
   S/O PUTTARANGAMMA
   AGED ABOUT 38 YEARS

4. RAGHUVEERA
   S/O PUTTARANGAMMA
   AGED ABOUT 36 YEARS

   PETITIONERS NO.3 AND 4 ARE
   R/AT T.N. KOTE VILLAGE,
   NIDAGAL HOBLI, PAVAGADA TALUK,
   TUMKUR DISTRICT- 572 116

...PETITIONERS

(BY SRI. JAYASIMHA K P AND KPJ ASSTS., ADVOCATE)

Digitally signed by GAVRIBIDANUR SUBRAMANYA GUPTA SREENATH
Location: HIGH COURT OF KARNATAKA

AND:

1. R NAGAPPA
   S/O LATE RANGAPPA
   AGED ABOUT 74 YEARS

R/O DYAVAIAHNAPALYA VILLAGE
KILARLAHALLI POST, KASABA HOBLI,
PAVAGADA TALUK
TUMKUR DISTRICT-572 116

2. SUB REGISTRAR
PAVAGADA SUB REGISTRAR OFFICE,
PAVAGADA,
TUMKUR DISTRICT-572 116

…RESPONDENTS

(BY SRI. M.SRINIVAS KUMAR, HCGP FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 17-2-2023 AS PER ANNEXURE-B CONSEQUENTLY DECREE AS PER ANNEXURE- D DATED 01- 3-2023 IN OS NO. 110/2022 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, PAVAGADA, TUMKUR AND PERMIT/ALLOW THE PETITIONERS TO CONTEST THE SUIT IN OS NO.110/2022 AS PER LAW ON MERITS AND PASS SUCH OTHER ORDER/S OR RELIEF/S AS DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE FOR RESTORATION SUIT IN ITS ORIGINAL STAGE, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

Heard learned counsel for the petitioner.

2. Learned HCGP is directed to take notice for respondent No.2.

3. This Court does not find the need or necessity to issue notice to respondent No.1/the plaintiff before the trial Court.

4. The petitioners are the defendant Nos.1 to 4. Respondent No. 1 is the plaintiff before the trial Court in OS No.110/2022. Plaintiff filed a suit against the defendants for relief of the specific performance of the contract of the agreement of sale dated 12.06.2016 and for other consequential reliefs on 03.11.2022.

5. During the pendency of the suit, the plaintiff and defendants entered into a settlement by filing a compromise petition under Order XXIII Rule 3 of CPC. Apparently, based on the compromise petition dated 17.02.2023, the suit came to be decreed in terms of the compromise, and a decree has been passed to that effect. Pursuant thereto, the plaintiff has initiated an Ex.P.No.18/2023. The defendants are before this Court questioning the legality of the compromise petition and the

execution of the same on the ground that they have been forced to sign the compromise petition and the plaintiff has played fraud upon the defendants and so also the plaintiff has played fraud while executing the MOU and has not fulfilled the terms of the MOU and also the compromise petition and has failed to pay the sale consideration to the defendants.

6. It is further contended that the defendants have not been paid a single penny in respect of the alleged agreement dated 12.06.2016 or pursuant to the compromise executed before the trial Court. Several other contentions are urged by the defendants in this petition to set aside the compromise petition dated 17.02.2023 and the decree dated 01.03.2023 in OS No. 110/2022 before the Senior Civil Judge, JMFC, Pavagada Tumakuru and to permit the petitioner to contest the suit on merits, as the compromise executed is an illegal fraudulent one.

7. Learned HCGP appearing for the respondent No.4 contends that if at all the petitioners are urging any fraud or illegal method being followed and without there being any free will or consent of the petitioners, the compromise which is executed before the trial Court will have to be agitated before the trial court in accordance with law and not before this Court.

8. This Court does not find the need to issue notice to the respondent No.1/plaintiff as this court is not inclined to entertain this petition as the remedy for the petitioners /defendants would be before the very same Court that passed the compromise decree where the compromise petition was filed by the parties, namely the plaintiff and the defendants as this Court would not get jurisdiction to entertain the petition under Article 227 of the Constitution of India. It is for the petitioners to approach the jurisdictional trial Court to agitate all grounds including the ones taken before this Court before

the same Court by filing a miscellaneous petition or an application. Accordingly, I pass the following order.

ORDER

The petition is ***disposed of.***

2. Petitioners are provided liberty to approach the jurisdictional trial Court, i.e., the Senior Civil Judge and JMFC Pavagada, Tumakuru and either file an application seeking to reopen the case or file a miscellaneous petition before the same Court and urge all grounds including the ones that are urged here to agitate the matter.

3. The trial Court shall allow the application, take the matter on board and consider the relief sought by the petitioners/defendants in accordance with law.

4. It is made clear this Court has not expressed any opinion with regard to the merits of the matter or the claim so made by the petitioners /defendants whatsoever.

5. The trial Court is at liberty to deal with the matter independently in accordance with law.

6. Ordered accordingly.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 5