IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

MISCELLANEOUS FIRST APPEAL NO. 219 OF 2026 (CPC)

BETWEEN:

SRI PRASHANTHA L
S/O. LATE LOKESH S.
AGED ABOUT 30 YEARS,
RESIDING AT NO.16,
10TH MAIN ROAD,
4TH CROSS,
SOUTH VALMIKI NAGAR,
ANDARAHALLI,
BENGALURU - 560 091.

...APPELLANT

(BY SMT. APOORVA N.,ADVOCATE FOR;
SRI. ASHOKA T.,ADVOCATE)

Digitally signed by
MAHALAKSHMI B M
Location: HIGH
COURT OF
KARNATAKA

AND:

1. SMT YASHODHA
W/O. LATE LOKESH S,
AGED ABOUT 40 YEARS,
RESIDING AT NO.16,
10TH MAIN ROAD,
4TH CROSS,
SOUTH VALMIKI NAGAR,
ANDARAHALLI,
BENGALURU - 560 091.

2. SMT. SHWETHA L
D/O. LATE LOKESH S,
W/O MANJUNATH G,

AGED ABOUT 31 YEARS,
RESIDING AT NO.20,
ANUGRAHA, INDARANAGAR,
GANGODANAHALLI MAIN ROAD,
NAGASANRA POST,
BANGALORE NORTH - 560 073.

…RESPONDENTS

(BY SRI. HARISHA A S.,AGA AND SRI. G M HEMANTH KUMAR.,ADVOCATE FOR R1 AND R2)

THIS MFA IS FILED U/O.43 RULE 1(r) OF THE CPC, AGAINST THE ORDER DT. 03.01.2026 PASSED ON I.A.NO. 1 IN O.S.NO. 4127/2025 ON THE FILE OF THE VI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (CCCH.11), DISMISSING THE IA NO. 1 FILED U/O.39 RULE 1 AND 2 OF CPC AS DEVOID OF MERITS.

THIS APPEAL, COMING ON FOR REPORTING SETTLEMENT, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

This Court on 16.04.2026, noting that the dispute is between the son on one hand, mother and daughter on the other hand and referred the parties to the Mediation before Smt. Vaishali Hegde, learned mediator.

2. The memorandum of settlement under Section 89 of CPC read with Sections 24 and 25 of the Karnataka Civil

Procedure (Mediation) Rules, 2005 has been received by this Court, which is duly signed by the parties and their respective learned counsel.

3. The terms of memorandum of settlement reads as under:

> " *The above appeal has been referred to mediation to enable the parties to explore avenues of settlement. The essence of the dispute is that the appellant /plaintiff has preferred this Miscellaneous First Appeal challenging the order dated 03/01/2026, passed by the Trial Court in O.S. No. 4127/2025. By the said order, the Trial Court dismissed the Appellant's application, I.A. No. 1, filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure. The Appellant/Plaintiff had sought a temporary injunction to restrain the Respondents, who are the widow and daughter of the late Sri Lokesh S, from alienating or creating third party encumbrances upon the suit schedule properties and from withdrawing the entire corpus of the terminal benefits during the pendency of the litigation.*
>
> *<u>Brief Facts Leading To The Present Appeal</u>*
>
> *I. (i) The appellant /plaintiff had filed a suit seeking the relief declaring the Appellant/Plaintiff's*

1/3rd share in Schedule A, Schedule B and Schedule C Properties and seeking partition and separate possession of Schedule A and Schedule B Properties by meters and bounds, as well as a direction to Defendants/Respondents to account for and divide the Schedule C benefits, and to pay the Appellant/Plaintiffs his 1/3rd share.

(ii) The Appellant/Plaintiff is none other than the son of the 1st Defendant and the brother of the 2nd Defendant. The father of the Appellant/Plaintiff and the 2nd Defendant/Respondent. Sri. Late Lokesh. S was a government servant in the Bangalore Water Supple and Sewerage Board (BWSSB) department

(iii) That Late Lokesh the father of the plaintiff/appellant and 2nd respondent herein and husband of the 1st respondent had purchased the Item 2 property by way of registered sate deed dated 14/12/2022 in the joint names of Sri Lokesh and has wife Smt Yashoda. A loan was obtained in the names of Sri Lokesh, and the names of 1st and 2nd respondent /defendants for a sum of Rs. 49, 00,000/- with a monthly EMI of Es. 41,963/- every month, for a period of 25 years. With the demise of Sri Lokesh, it has been left to the 1 and 2nd With Sri Lokesh dying in service, both the appellant/plaintiff and the second respondent/defendant were

claimants for appointment on compassionate grounds. However, the 1st respondent /defendant expressed hare willingness and consent for her daughter the 2nd respondent /defendant to be granted the job on compassionate grounds. This apparently was the trigger for the plaintiff /appellant to initiate partition proceedings in the O.S.4127/2026 against his mother and sister the respondent/ defendants.

(Iv) The Appellant/Plaintiff is the son of the late Sri Lokesh S, who was employed as a Fitter with the BWSSB and died intestate on 23/02/2025. The Appellant/Plaintiff submits that the deceased acquired the suit schedule properties through his personal earnings and savings. As Class I legal heirs under the Hindu Succession Act 1956, the Appellant/Plaintiff and the Defendants/Respondents are entitled to an equal one third share each in the estate. The suit for partition and separate possessions was initiated because the Defendants/Respondents allegedly sought to exclude the Appellant/Plaintiff from his legitimate inheritance, a stance the Appellant/Plaintiff attributes to the Respondents' hostility regarding his inter caste marriage.

(v) On 17/06/2025, the Trial Court initially granted an ex-parte temporary injunction, observing

that alienation of the properties would lead to a multiplicity of proceedings and defeat the purpose of the partition suit. This interim protection remained in force until November 2025. However, in the impugned order dated 03/01/2026, the Trial Court dismissed the application on the grounds that the Appellant/Plaintiff had not proved at the interlocutory stage that Item Nos. 1 and 2 were joint properties, and that the terminal benefits under Item No. 3 belonged exclusively to Defendant/Respondent No. 1 as the nominee.

(vi) The Appellant/Plaintiff, Sri Prashantha L, has preferred this Miscellaneous First Appeal challenging the order dated 03/01/2026, passed by the Trial Court in O.S. No. 4127/2025. By the said order, the Trial Court dismissed the Appellant's application, I.A. No. 1, filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure. The Appellant/Plaintiff had sought a temporary injunction to restrain the Respondents, who are the widow and daughter of the late Sri Lokesh S, from alienating or creating third party encumbrances upon the suit schedule properties and from withdrawing the entire corpus of the terminal benefits during the pendency of the litigation.

<u>Terms of Settlement</u>

(II) In the course of mediation, the parties have resolved their disputes and have agreed for a settlement on the following terms and conditions:-

(a) That the 1st/ respondent/ defendant has undertaken to issue and sign a No Objection certificate in favour of the appellant /plaintiff expressing her willingness and consent, that the job on compassionate grounds in lieu of her husband's death be given to her son, the appellant /plaintiff.

(b) That the appellant/plaintiff has agreed to give up his right, title, interest over suit schedule properties, Items 1, 2 and 3 and is willing to execute a release deed to that effect in favour of his mother and sister i.e. the 1st and 2nd respondents herein once he secures the government job on compassionate grounds.

(c) The appellant/plaintiff further undertakes to discharge the entire outstanding loan liability of Rs. 41,47,444/- taken from Can Fin Home Financing Bank bearing loan account No. 101201012685 and the monthly EMI of Rs. 43,045/-, on his securing the job on compassionate appointment.

d) The appellant /plaintiff further undertakes to bear all the medical expenses of the 1st respondent and enrol her to be entitled for medical benefits if he were to secure the Government Job on compassionate grounds in lieu of his father's death.

(e) The 1st respondent mother hereby undertakes to sign NO OBJECTION FORM consenting and granting her approval to the appellant/plaintiff being considered and appointed on compassionate grounds in lieu of his father's death in discharge of government service.

(f) The schedule Item 2 property, is a residential premises consisting of ground, first and second floor. The ground floor is in the possession and occupation of the 1st respondent defendant. The first and second floor have been let out on lease, and the said lease will come to an end in 26th Jan 2027. The appellant hereby undertakes to return the lease deposit amounts of Rs,6,00,000/ and Rs 5,50,000 a total sum of Rs.11,50,000/- at the end of the lease period from his salary if he secures the government job.

In view of the aforesaid agreement entered between the parties, it is prayed that this Hon'ble Court may be pleased to pass appropriate orders recording the terms of the agreement entered by the parties, in the interest of Justice.

4. The memorandum of settlement is taken on record.

5. The appellant and the respondents are present before this Court and duly identified by their respective learned counsel. Both parties submits that they have voluntarily accepted the terms of settlement.

6. Accordingly, the present Miscellaneous First Appeal stands ***disposed of*** in terms of the settlement.

7. The efforts made by Smt. Vaishali Hegde, learned mediator is appreciated and placed on record.

Sd/-

JUSTICE K.S. HEMALEKHA

PHM
List No.: 1 Sl No.: 56