HC-KAR

NC: 2026:KHC:64769
MFA No. 5366 of 2018

CNR: KAHC010086502018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

MISCELLANEOUS FIRST APPEAL NO. 5366 OF 2018 (CPC)

BETWEEN:

1. SRI. THIMARAPPA
S/O LATE MUNIYAPPA
AGED ABOUT 65 YEARS,
R/AT SADARAMANGALA VILLAGE
KODUGODI POST,
BANGALORE-560 067.

2. SMT. MUNIVENKATAMMA
D/O LATE SRI MUNIYAPPA
AGED ABOUT 42 YEARS,
R/AT SADARAMANGALA VILLAGE
KODUGODI POST,
BANGALORE-560 067.

3. SMT HEMA
D/O LATE SRI MUNIYAPPA
AGED ABOUT 21 YEARS,
R/AT SADARAMANGALA VILLAGE,
KODUGODI POST,
BANGALORE-560 067.

4. ASHA
D/O LATE SRI MUNIYAPPA
AGED ABOUT 21 YEARS,
R/AT SADARAMANGALA VILLAGE,
KODUGODI POST,
BANGALORE-560 067.

5. CHAITHRA
D/O LATE SRI MUNIYAPPA

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AGED ABOUT 19 YEARS,
R/AT SADARAMANGALA,
KODUGODI POST,
BANGALORE-560 067

…APPELLANTS

(BY SRI. SYED AKBAR PASHA., ADVOCATE FOR A1,
BY SRI. DEEPAK .M, ADVOCATE FOR A3 TO A5)

AND:

1. SMT CHICKAMUNIVENKATAMMA
D/O LATE SRI DODDAIAH
AGED ABOUT 40 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

2. SMT DODDAMUNIVENKATAMMA
D/O LATE SRI DODDAIAH
AGED ABOUT 45 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

3. MUNICHOWDAMMA
D/O LATE SRI DODDAIAH
AGED ABOUT 30 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

4. SARASWATHAMMA
W/O SAMBAIAH
AGED ABOUT 25 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

5. AJAY
AGE MAJOR
S/O SAMBAIAH
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

6. VIJAY
S/O SAMBAIAH
AGE MAJOR,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

7. SRI MUNISWAMY
S/O LATE SRI DODDAIAH
AGED ABOUT 35 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

8. SRI MUNIRATHNA
S/O LATE SRI DODDAIAH
AGED ABOUT 23 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

9. CHOWDAPPA
S/O LATE SRI DODDAIAH
AGED ABOUT 20 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

10. SRI KRISHNAPPA
S/O LATE SRI DODDAIAH,
AGED ABOUT 20 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,

BANGALORE-560 067.

11. SMT CHOWDAMMA
D/O LATE SRI MUNISWAMAPPA
SINCE THE R11 IS DIED
VIDE ORDER DATED 08.04.2022
IS TREATED R13 AS LRRS OF R11.

12. SMT TOTAMUNIYAMMA
D/O LATE SRI MUNISWAMAPPA
AGED ABOUT 48 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

NAGAPPA
DEAD BY LRS.

13. SMT PARVATHAMMA
W/O LATE SRI NAGAPPA,
AGED ABOUT 45 YEARS,
R/AT SADARAMANGALA VILLAGE
KADUGODI POST,
BANGALORE-560 067.

14. NETHRAVATHI
D/O LATE SRI NAGAPPA,
AGED ABOUT 22 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

15. CHAITHRA
S/O LATE SRI NAGAPPA,
AGE MAJOR
R/AT SADARAMANGALA VILLAGE
KADUGODI POST,
BANGALORE-560 067.

16. ANJI
S/O LATE SRI NAGAPPA,
AGE MAJOR,
R/AT SADARAMANGALA MAJOR,
KADUGODI POST,
BANGALORE-560 067.

17. SRI PAPANNA
S/O LATE SRI MUNISWAMAPPA
AGED ABOUT 44 YEARS,
R/AT SADARAMANGALA VILLAGE
KADUGODI POST,
BANGALORE-560 067.

18. SMT GOWRAMMA
W/O LATE NANJAPPA
AGED ABOUT 25 YEARS,
R/AT SADARAMANGALA VILLAGE
KADUGODI POST,
BANGALORE-560 067.

19. SMT ANJINAMMA
D/O LATE SRI NAGAPPA
AGED ABOUT 23 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

20. SRI NAGARAJU
S/O LATE SRI NAGAPPA
AGED ABOUT 24 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

21. SRI KRISHNAPPA
DEAD BY LRS
CAUSE TITLE AMENDED
ON 02-12-2025

21(A). SHASHIKUMAR
S/O LATE SRI KRISHNAPPA
AGED ABOUT 60 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

22. SRI VENKATASWAMY
S/O LATE SRI MUNIYAPPA
AGED ABOUT 45 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

23. MUNIYAMMA
S/O LATE SRI CHOWDAPPA
AGED ABOUT 80 YEARS,
R/AT SADARAMANGALA VILLAGE,
KADUGODI POST,
BANGALORE-560 067.

24. SMT KRISHNAMMA
D/O LATE SRI CHOWDAPPA
AGED ABOUT 65 YEARS,
R/AT SADARAMANGALA VILLAGE
KADUGODI POST,
BANGALORE-560 067.

25. SRI ANJANEYULU PRATHIPATHI
S/O LATE SRI SUBBAIAH,
AGED ABOUT 60 YEARS,
R/AT NO.67, 3RD CROSS,
RAMAKRISHNAGARDEN,
BEHIND GOWRI APARTMENTS,
NEW BEL ROAD,
BANGALORE-560 054.

26. M/S REDDY STRUCTURES PRIVATE LTD.,
NO.33/1,THE RESIDENCY,
IIND FLOOR,

RESIDENCY ROAD,
BANGALORE-560 025.

…RESPONDENTS

(BY SRI. VENKATESH R. BHAGAT, ADVOCATE FOR R1 TO R3, R7 TO R10, R12 TO R17 AND R27, SRI. D. GUNASHEKAR, ADVOCATE FOR R22, SRI. PARAMESHWARAPPA D.C., ADVOCATE FOR LR'S OF R(21A), SRI. B.S. RADHANANDAN, ADVOCATE FOR R26, SRI. HARSHA, ADVOCATE FOR R22, R13 IS LR'S OF R11(V/O DTD:01.04.2022), R24 AND R25 SERVED, **APPEAL DISMISSED AGAINST R4, R5 AND R6** (V/O DTD: 09.02.2024), NOTICE TO R18 TO R20, R23 DISPENSED WITH (V/O DTD: 08.04.2022))

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED 28.03.2018 PASSED ON I.A. NO.1/2013 IN O.S.NO. 25506/2013 ON THE FILE OF THE IV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, MAYOHALL UNIT, BENGALURU (CCH-21), REJECTING I.A.NO.1/2013 FILED UNDER ORDER XXXIX RULES 1 AND 2 READ WITH SECTION 151 OF CPC.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL JUDGMENT

In this appeal, a compromise petition is filed under Order XXIII Rule 3 read with Section 151 of CPC, 1908 by appellant Nos.1, 3 to 5 and respondent Nos.1 to 3, 7 to 10, 12 to 17, 21A, 22, 26 and 27. in the compromise petition, it is stated that , in terms of the compromise, payments are made and the

respective counsels for the parties have also not disputed the terms mentioned in the compromise petition.

2. Having considered the terms mentioned in compromise petition and also the verifying affidavit filed by the respective parties, the same is accepted.

3. It is noticed that appellant No.2 is not a party to this compromise. It is stated that appellant No.2 had filed a memo for withdrawal at the earlier stage, but subsequently, it was stated that she is also having a grievances. However, the learned counsel for appellant No.2 is not appearing before this court so also not pursuing the matter. Hence, there is no need to keep this miscellaneous first appeal pending before this court in view of the settlement arrived between the parties and earlier filed memo not pressing the appeal and the directions of this court are not complied with regard to receipt of money and affidavit is not filed.

4. If appellant No.2 has any grievance, that can be urged in the original suit since there is a conflict between the contesting respondents and also appellant No.2 with regard to

the quantum of amount already made the payment in terms of the compromise. Appellant No.2 has not appeared before this court for reporting the settlement though this court directed to file an affidavit stating as to how much amount was received, but the same is not complied with by appellant No.2 before this court. Therefore, this issue cannot be kept alive since this is an appeal of the year 2018.

5. In view of the observations made by this court, compromise petition is accepted and the present appeal is disposed of in terms of the compromise between the respective parties.

6. Pending applications, if any, do not survive for consideration and they are disposed of accordingly.

Sd/-
(H.P.SANDESH)
JUDGE

CS
List No.: 1 Sl No.: 14