HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO.221 OF 2010 (INJ)

BETWEEN:

DR. HENRIC L A LOBO
S/O LATE S L LOBO
AGED ABOUT 75 YEARS,
COFFEE PLANTER,
R/AT "SIDDERBHAN ESTATE",
BYARAVALLI VILLAGE,
MALLANDUR POST,
CHICKMAGALUR TALUK

…APPELLANT

(BY SRI SURAJ SAMPATH, ADVOCATE)

AND:

Digitally signed by MALATESH K C
Location: HIGH COURT OF KARNATAKA

1. H.B. MALLESH GOWDA
S/O BHADREGOWDA,
AGED ABOUT 72 YEARS
RESIDING AT HOLADAGADDE,
BYARAVALLI VILLAGE,
MALLANDUR POST,
CHICKMAGALUR TALUK – 577 130

2. MR.RAJANNA GOWDA ALIAS K.M.RAJE GOWDA
S/O LATE MANJEGOWDA
AGED ABOUT 64 YEARS
RESIDING AT KELAHOLAGADDE
BYARAVALLI VILLAGE,
MALLANDUR POST,

CHICKMAGALUR TALUK.

…RESPONDENTS

(BY SRI. N R RAVI KUMAR, ADVOCATE FOR R1 & R2)

THIS RSA IS FILED UNDER SECTION 100 OF CODE OF CIVIL PROCEDURE AGAINST THE JUDGMENT & DECREE DATED 11.12.2009 PASSED IN R.A.NO.104/2008 ON THE FILE THE ADDL. DISTRICT JUDGE, CHIKMAGALUR, DISMISSING THE APPEAL AND CONFIRMING THE JUDGEMENT AND DECREE DATED 6.1.2005 PASSED IN O.S.NO.344/1998 ON THE FILE OF THE ADDL. CIVIL JUDGE (JR.DN), CHICKMAGALUR.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

Parties are present including the son of the appellant. Compromise petition is filed under Order XXIII Rule 3 of Code of Civil Procedure signed by the parties and son of the appellant has signed as a consenting witness.

2. On enquiry parties agreed that the terms of the settlement depicting the true terms of the settlement and as such there is no impediment for this Court to accept the

compromise petition and dispose of the matter on the basis of the compromise petition.

3. Terms of the compromise is supported by the principles of law enunciated by the Hon'ble Apex Court in the cases of (i) ***Pushpa Devi Bhagat (Dead) Through LR., Sadhna Rai vs. Rajinder Singh and others*** reported in **(2006) 5 Supreme Court Cases 565**, (ii) ***Ripudaman Singh vs. Tikka Maheshwar Chand,*** reported in **(2021) 7 Supreme Court Cases 446**.

4. Accordingly, the following:

ORDER

Regular Second Appeal stands disposed of in terms of the compromise petition.

Office is directed to pass modified decree in terms of the compromise petition appending the copy of the compromise petition as part of the decree.

Sd/-
(V SRISHANANDA)
JUDGE

MR
List No.: 2 Sl No.: 66