HC-KAR

NC: 2026:KHC:63129
RFA No. 1733 of 2021

CNR: KAHC010177672021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

REGULAR FIRST APPEAL NO. 1733 OF 2021 (SP)

BETWEEN:

1. SRI M G ARUNACHALAM
AGED ABOUT 84 YEARS
S/O GOVINDA RAJ
R/AT FLAT NO.11
13TH CROSS, PIPE LINE CROSS
MAGADI ROAD,
BANGLAORE 560023

(a) SMT. V. KUPPA BAI
W/O LATE M.G. ARUNACHALAM
AGED ABOUT 65 YEARS,
R/AT # 11, 3RD CROSS,
PIPE LINE ROAD,
VIJAYANAGAR,
BANGALORE - 560 023.

Digitally signed by VIJAYA P
Location: High Court of Karnataka

(b) A. POONGATHAI
D/O LATE M.G. ARUNACHALAM
AGED ABOUT 53 YEARS,
R/A No. A-4, SURVEY OF INDIA QRTS,
NEAT ST. JOHN'S HOSPITAL,
KORAMANGALA 2ND BLOCK,
BANGALORE SOUTH-560034.

(c) A MALATHI
D/O LATE M.G. ARUNACHALAM
AGED ABOUT 50 YEARS,
R/AT # 11, 3RD CROSS,

PIPE LINE ROAD,
VIJAYANAGAR,
BANGALORE - 560 023.

(d) A. SOMASUNDARAM
S/O LATE M.G. ARUNACHALAM
AGED ABOUT 46 YEARS,
R/AT # 11, 3RD CROSS,
PIPE LINE ROAD,
VIJAYANAGAR,
BANGALORE - 560 023.

(e) A MEGHANATHAN
S/O LATE M.G. ARUNACHALAM
AGED ABOUT 44 YEARS,
R/AT # 11, 3RD CROSS,
PIPE LINE ROAD,
VIJAYANAGAR,
BANGALORE - 560 023.

...APPELLANTS

(BY SRI. B.S. JEEVAN KUMAR, ADVOCATE)

AND:

1. SRI MOHAMMED USMAN MOTIWALA
S/O USMALMOTIWALA
AGED ABOUT 75 YEARS
R/AT FLAT NO. 45
2ND CROSS, OKALIPURAM
BANGALORE 560021
SINCE DECEASED BY HIS LRS

1(a) MRS HAWABAI MOHAMMAD MOTIWALA
AGED ABOUT 88 YEARS
W/O LATE HAJEE MOHAMMED
USMAN MOTIWALA
NO. 963, NANAPETH
PUNE-411002

1(b) MR. ISMAIL MOHAMMED MOTIWALA
AGED ABOUT 70 YEARS
S/O LATE HAJEE MOHAMMED
USMAN MOTIWALA
NO. 963, NANAPETH
PUNE 411002

1(c) MR. ASIF MOHAMMED MOTIWALA
AGED ABOUT 65 YEARS
S/O ALTE HAJEE MOHAMMED
USMAN MOTIWALA
NO. 963, NANAPETH
PUNE 411002

1(d) MR. ASLAM MOHAMMED MOTIWALA
AGED ABOUT 61 YEARS
S/O LATE HAJEE MOHAMMED
USMAN MOTIWALA
NO. 963, NANAPETH
PUNE 411002

1(e) MR. RIYAZ MOHAMMED MOTIWALA
AGED ABOUT 63 YEARS
S/O LATE HAJEE MOHAMMED
USMAN MOTIWALA
NO. 964, 10TH B LANE
4TH 'E' BLOCK RAJAJINAGAR
BANGALORE 560010

1(f) MRS. ISHRAT ASHFAQ NAKHUDA
AGED ABOUT 59 YEARS
D/O LATE HAJEE MOHAMMED
USMAN MOTIWALA
NO. 104, MAYUR PANKH A1
OPPOSITE SHETAL PETROL PUMP
KONDHWAKHURD
PUNE 411048

1(g) MRS. JAMEELA SALIM SAIT
AGED ABOUT 67 YEARS

D/O LATE HAJEE MOHAMMED
USMAN MOTIWALA
FLAT NO. 303
GURUKRUPA HOUSING SOCIETY
NO.2, 3RD FLOOR BHAWANIPETH
PUNE 411042

…RESPONDENTS

(BY SRI. M ASWATHANARAYANA REDDY, ADVOCATE
FOR R1(a) TO R1(g))

THIS RFA IS FILED UNDER SECTION 96 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED 24.02.2021 PASSED IN OS.No.7101/1990 ON THE FILE OF THE XV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU, AT BENGALURU AND TO DISMISS THE SUIT BY ALLOWING THIS APPEAL.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL JUDGMENT

The present appeal is directed against the judgment and decree dated 24.02.2021 passed in O.S. No.7101/1990.

2. The Trial Court decreed the suit for specific performance, directing the defendants to execute a registered sale deed in

respect of the suit schedule property in terms of the agreement of sale dated 15.04.1989.

2.1 During the pendency of this appeal, the parties have entered into a compromise. Accordingly, a compromise petition under Order XXIII Rule 3 of the CPC has been filed. Under the terms of the compromise, the parties have agreed to settle their dispute, whereby the legal heirs of the defendants have agreed to refund a sum of Rs.48,00,000/- towards full and final settlement of the dispute, and the legal heirs of the plaintiff have agreed to receive the said amount. The payment has been made through Demand Draft No.041637 dated 16.11.2026 drawn on Axis Bank for a sum of Rs.5,00,000/- and Demand Draft No.690648 dated 16.11.2026 drawn on Karnataka State Co-operative Apex Bank Ltd., for a sum of Rs.43,00,000/-, respectively.

2.2 Appellant Nos.1(b) to 1(e) are represented by their power of attorney holder, appellant No.1(a). A copy of the power of attorney is produced along with the compromise petition. Similarly, respondent Nos.1(a) to 1(d) and 1(f) to 1(g) are

represented by respondent No.1(e). A copy of the power of attorney is also produced along with the compromise petition.

2.3 Appellant No.1(a) and respondent No.1(e) are present before this Court. Upon enquiry, they have stated that they have voluntarily entered into the compromise and, having understood the contents thereof and the consequences arising therefrom, have affixed their signatures to the compromise petition. They have further acknowledged payment/receipt of the amounts as stated in the compromise petition. Both parties have been identified by their respective learned counsel.

3. Sri. B.S. Jeevan Kumar, learned counsel, has filed a No Objection Certificate (NOC) along with the vakalath for the appellants. The same is taken on record.

4. This Court finds no impediment in accepting the compromise entered into between the parties. Accordingly, the judgment and decree dated 24.02.2021 passed in O.S. No.7101/1990 stand modified in terms of the compromise.

5. The decree shall be drawn up in terms of the compromise petition. Compromise petition be made part of the decree.

Accordingly, the appeal stands ***disposed of***.

SD/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 1 Sl No.: 83