HC-KAR

NC: 2026:KHC:63196
WP No. 33594 of 2026

CNR: KAHC010736902026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE JAYANT BANERJI

WRIT PETITION NO. 33594 OF 2026 (GM-CPC)

BETWEEN:

K.CHANDRASHEKHAR
S/O. LATE KEMPAIAH
AGED ABOUT 54 YEARS,
R/AT NO.17, 5TH CROSS,
SALLAPURADAMMA LAYOUT,
SUNKADAKATTE,
BENGALURU-560 091.

...PETITIONER

[BY SRI.ABHISHEK HUDDAR, ADVOCATE (VC)]

AND:

1. K.SHIVAKUMARSWAMY
S/O. LATE KEMPAIAH,
AGED ABOUT 57 YEARS,
R/AT: NO.100/189,
5TH CROSS, LAKSHMIPURAM,
KEMPEGOWDA NAGAR,
BENGALURU-560 019.

SMT.NAGAMMA,
SINCE DEAD REP. BY LR'S

2. SRI.NINGE GOWDA
S/O HANUMANTHAPPA,
AGED ABOUT 50 YEARS,

3. SRI.HANUMANTHA H
S/O. HANUMANTHAPPA,
AGED ABOUT 48 YEARS,

Digitally signed by K S RENUKAMBA
Location: High Court of Karnataka

4. SRI. HEMANTH KUMAR
S/O. HANUMANTHAPPA
AGED ABOUT 39 YEARS

RESPONDENTS NO.2 TO 4 ARE
R/AT: DOOR NO.161/3,
2ND FLOOR, OPP. H.P.PETROL BUNK,
ANDRAHALLI MAIN ROAD,
VENKATESHWARA LAYOUT,
AEROHALLI, BENGALURU-560 079.

5. SMT.VIJAYALAKSHMI K
W/O. VENKATESH,
AGED ABOUT 62 YEARS,
R/AT, NO.250, 1ST CROSS,
1ST MAIN, NEAR KTG SCHOOL ROAD,
SRIGANDANAGAR,
YEGGANAHALLI CROSS,
BENGALURU-560 091.

…RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF CERTIORATI, OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, QUASHING THE ORDER DATED 16.09.2026 PASSED BY THE LEARNED XXXIX ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU, IN O.S.NO.9160/2013, REJECTING THE PETITIONER'S APPLICATION UNDER SECTION 152 OF THE CODE OF CIVIL PROCEDURE, 1908 AT ANNEXURE-F AND ETC.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI

ORAL ORDER

The submission of the learned counsel for the petitioner is that an application was moved under Section 152 of CPC seeking a correction in the compromise decree inasmuch as the dimensions mentioned in respect of the suit schedule property were, by inadvertence, incorrectly mentioned in the terms of the compromise but were correctly mentioned in the map forming part of the compromise.

2. The submission is that the impugned order of 16.09.2026 has been passed without issuing any notice to the defendants. The plaintiff has been directed to seek consent from the defendants and a date has been fixed in the matter.

3. As far as the submission of the learned counsel for the petitioner is concerned that the sketch map bears different dimensions than that what is mentioned in the compromise petition, the trial Court has rightly observed that the same cannot be done without the mutual consent of both the parties.

4. Under the circumstances, this petition is disposed of reserving liberty to the plaintiff / petitioner to seek the consent

of the defendants and to move the Court concerned to issue notice to the defendants.

Sd/-
(JAYANT BANERJI)
JUDGE

KG
List No.: 1 Sl No.: 20