HC-KAR

NC: 2026:KHC:59971
WP No. 38450 of 2025

CNR: KAHC010826432025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 38450 OF 2025 (GM-FC)

BETWEEN:

SRI. M.B.RAMACHANDRA,
S/O LATE SRI. M. BALANAIK,
AGED ABOUT 62 YEARS,
RESIDING AT NO.26/6,
"SNEHAPALLAVI" APARTMENTS,
7TH MAIN, NHBCS LAYOUT,
CAUVERY NAGAR,
BENGALURU - 560 079.

...PETITIONER

(BY SRI. AJIT KALYAN, ADVOCATE)

AND:

1. SMT. HEMA,
   W/O SRI. M.B.RAMACHANDRA,
   AGED ABOUT 57 YEARS,
   RESIDING AT NO.306,
   10TH MAIN, 3RD BLOCK,
   1ST STAGE, MANJUNATHANAGARA,
   BENGALURU - 560 010.

2. SRI. ACHINTHYA HEMACHANDRA,
   S/O SRI. M.B.RAMACHANDRA,
   AGED ABOUT 30 YEARS,
   RESIDING AT NO.306,
   10TH MAIN, 3RD BLOCK,
   1ST STAGE, MANJUNATHA NAGARA,
   BENGALURU - 560 010.

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

3. MS. ADITHI HEMACHANDRA,
D/O SRI. M.B.RAMACHANDRA,
AGED ABOUT 24 YEARS,
RESIDING AT NO.306,
10TH MAIN, 3RD BLOCK,
1ST STAGE, MANJUNATHANAGARA,
BENGALURU - 560 010.

…RESPONDENTS

(BY SRI. K.V.RAGHAVENDRA REDDY, ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH AND SETTING ASIDE THE IMPUGNED ORDER DATED 01.12.2025 IN CRL MISC 209/2020 PASSED BY THE HON'BLE PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, PRODUCED VIDE ANNEXURE - A AND ETC.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 01.12.2025 passed in IA No. 3 in Crl.Misc.No. 209/2020 by the Principal Judge, Family Court, Bengaluru, the petitioner/husband is before this Court.

2. For the sake of convenience, the parties are referred to as husband and wife.

3. An application is filed under Section 19(5) and Section 13 of the Legal Services Authorities Act, read with Section 7 of the Family Courts Act, to recall the order dated 18.02.2021 and, consequently, pass an award under Section 21 of the Legal Services Authorities Act in terms of the joint memo filed by both parties dated 18.02.2021, or, in the alternative, to nullify the joint memo, permit the husband to contest the present case on merits, and direct the petitioners to repay the entire amount of Rs.20 lakhs along with interest from the date of payment till date and return all jewelry as per the annexure of the joint memo, which is dismissed by the Court by the impugned order. The Court decided on two aspects, one on limitation and the other on the merits of the matter. When it comes to the limitation aspect, the Court observed that since the Limitation Act does not prescribe any particular period of limitation for filing an application of the present nature, the residuary article is applicable, and therefore the application has to be filed within 3 years from 18.02.2021. Further, the Family Court concluded that this application was filed beyond 3 years and is barred by limitation. The Family Court further observed

that, even for the sake of argument, if the application is considered on merits, the relief sought cannot be granted for the following reasons. The first relief sought is to recall the order dated 18.02.2021 and pass an award in terms of the joint memo filed by the parties dated 18.02.2021. The orders dated 18.02.2021 sought to be recalled. A plain reading of the order makes it clear that it was at the request of the parties that the matter was referred to Lok Adalat to report a final settlement. The reason is not far to see, because, as already noted, the joint memo filed was not a completed settlement, and various acts had to be done by the parties to reach the final settlement, including the registration of the gift deed, which, as already noted, is not completed till today. Even if the said order is recalled, no purpose would be served, because at this stage the petitioners are not accepting the terms of settlement as stated in the joint memo. Merely signing the joint memo will not complete the legal formalities required for recording the settlement, and it is only if the parties accept the settlement before the court, after the terms thereof are explained to the parties, that the case can be disposed of in terms of the joint

memo. As on 18.02.2021, when the joint memo was filed, various acts were required to be done to complete the settlement process, and even as on date, one act required to complete the settlement process, i. e., registration of the gift deed, is not yet concluded, and, more importantly, the petitioners are not willing to accept the settlement stated in the joint memo as on today. Such being the case, even for the sake of argument, if the order dated 18.02.2021 referring the matter to the Lok Adalat is recalled, it will not serve any purpose, because the court cannot pass an award on the basis of the joint memo, as the petitioners are not accepting the said settlement as on date, and accordingly, the Family Court had dismissed the application.

4. Learned counsel appearing for the petitioner submits that, by virtue of the settlement arrived at between the parties, the entire amount of Rs.20,00,000/- has been paid along with the jewelry. The court ought to have recorded the settlement. The court referred the matter to the Lok Adalath, and the respondents herein failed to appear before the court, causing considerable prejudice to the petitioner. Hence, the order

passed, referring the matter to the Lok Adalath, has to be recalled, and the settlement shall be recorded based on the joint memo filed before the court. It is submitted that the finding with regard to limitation and other aspects is contrary to law. It is submitted that the impugned order needs to be set aside.

5. Learned counsel appearing for the respondents submits that the respondents are not ready to compromise. According to him, the petitioner has changed the terms of the joint memo, which is unacceptable to them. It is submitted that the Family Court has passed a reasoned order and that no interference is called for.

6. Having heard the learned counsels on either side, perused the material on record.

7. The petitioner seeks to recall an order under which the Court referred the matter to Lok Adalat to be held on 27.07.2021. According to the petitioner, they have filed a joint memo. The Court ought to have recorded the settlement instead of relegating the parties to Lok Adalat. After filing the

joint memo and paying the entire amount, the respondents were not referred to Lok Adalat; therefore, no settlement could be reached. Even if the petitioner's submissions are taken at face value, setting aside this order raises questions about the consequences and whether, by recalling the order, the court can record a settlement. Now, the respondents are not ready for compromise. The Court has rightly observed that when the respondents are not ready, the question of recording the compromise on the joint memo would not arise, and a compromise award cannot be passed. The exercise undertaken and the IA filed cannot be considered, and the relief sought by the petitioner cannot be granted. The Family Court had rightly dismissed the application. Even if the petitioner pays the amounts, the Criminal Miscellaneous petition remains pending. If the petitioner has any other remedy, he may approach the court. However, the mere payment of money cannot be a ground for the court to record a compromise. In that view of the matter, this Court do not find any reason to interfere. Hence, this Court is passing the following:

ORDER

i. Accordingly, the writ petition is ***dismissed***.

ii. Pending IAs., if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

BH
List No.: 2 Sl No.: 24
*AK