

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31<sup>ST</sup> DAY OF MARCH, 2021

BEFORE

THE HON'BLE MR. JUSTICE NATARAJ RANGASWAMY

**REGULAR SECOND APPEAL NO.620 OF 2013**

**BETWEEN:**

SMT UMADEVI  
W/O LATE THOTADAPPA  
AGED ABOUT 46 YEARS  
R/A HOSUR VILLAGE  
MANDYA TALUK  
MANDYA DISTRICT

... APPELLANT

(BY SRI ANILKUMAR B S, ADVOCATE FOR  
SRI ABHINAV R., ADVOCATE)

**AND:**

1. SMT NANJAMMA  
W/O LATE R MAHADEV SETTY,  
MAJOR IN AGE
2. SRI DORERAJ  
LATE R MAHADEV SETTY  
MAJOR IN AGE
3. SRI SEENA @ M.AMBAREESH  
LATE R MAHADEV SETTY  
MAJOR IN AGE
4. SMT BHAGYAMMA  
W/O JAYARAM  
MAJOR IN AGE

ALL ARE R/AT MANGALA VILLAGE  
AND POST, SANTHEMARANAHALLI

HOBLI, CHAMARAJANAGAR TALUK &  
DISTRICT – 571 115.

- 5. SMT SHANTHAMMA  
W/O GOVINDA SETTY  
SINCE DECEASED  
REPRESENTED BY HER LRS.
- 5A. SRI K B NARAYANA SWAMY  
AGED ABOUT 58 YEARS  
S/O BASAVASHETTY
- 5B. SMT. N. HEMALATHA  
AGED ABOUT 34 YEARS  
D/O K B NARAYANA SWAMY
- 5C. SMT. KUMARI N  
AGED ABOUT 32 YEARS  
D/O K B NARAYANA SWAMY
- 5D. SRI MAHENDRA K N  
AGED ABOUT 28 YEARS  
S/O K B NARAYANA SWAMY

5A TO 5D ARE R/AT UPPARA BEEDI  
KEMPANAPURA  
CHAMARAJANAGAR TQ & DISTRICT.  
CHAMARAJANAGAR - -571 115.

... RESPONDENTS

(BY SRI ALLAH BAKASH M., ADVOCATE FOR  
R1 TO R4 AND R5 (A TO D))

THIS REGULAR SECOND APPEAL IS FILED U/S. 100 OF CPC AGAINST THE JUDGMENT & DECREE DATED 02.06.2012 PASSED IN R.A.NO.64/2008 ON THE FILE OF THE DISTRICT AND SESSIONS JUDGE, CHAMARAJANAGAR, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 16.04.2005 PASSED IN O.S NO.207/1998 ON THE FILE OF ADDITIONAL CIVIL JUDGE (JR.DN) AND JMFC, CHAMARAJANAGAR.

THIS REGULAR SECOND APPEAL COMING ON FOR ORDERS THIS DAY, THE COURT DELIVERED THE FOLLOWING:

### **JUDGMENT**

Learned counsel for the appellant has placed on record the amended appeal memo.

2. This appeal is filed by the legal representatives of the deceased plaintiff challenging the judgment and decree in O.S No.207/1998 and judgment and decree of the First Appellate court in RA No.64/2008. The suit filed by the plaintiff for declaration of title and for consequential relief of injunction in respect of suit property bearing Sy.no.865/1 measuring 1.24 guntas and Sy.no.866/4 measuring 0.35 ½ guntas situated at Mangala Village, Chamarajanagar Taluk was dismissed by the trial Court which was confirmed by the First Appellate Court.

2. Plaintiffs and defendants have today filed compromise petition the terms of which reads as under:

*"7. By virtue of the present compromise petition the Plaintiff/Appellant herein transfers all her right, title and interest in the suit Schedule property in favour of the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents herein and in consideration whereof, the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents have handed over Demand Draft for Rs.3.5 lakhs each the Appellant, the particulars of which are set out as hereunder:*

- (i) *Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousand only paid by way of DD No.676919 dated 24.03.2021, drawn in favour of Smt. Umadevi, on Indian Bank, Rajajeshwarinagara Branch.*
- (ii) *Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousand only) paid by way of DD No.676920 dated 24.03.2021, drawn in favour of Smt. Umadevi, on Indian Bank, Rajarajeshwarinagara Branch.*

*8. The Plaintiff/Appellant herein confirms the possession to the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents in respect of the suit Schedule Property.*

*9. All the parties affirm that by virtue of the aforesaid Partition Deed dated 29.07.2020, the suit Schedule Property has been allotted to the share of the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents herein. Further, the Appellant, the Respondent No.1, Respondent No.4 and the legal heirs of the deceased Respondent No.5 i.e., Respondent Nos. 5(a) to 5(d) hereby affirm/confirm that Respondent Nos. 2 & 3 are the absolute owners in possession and enjoyment of the suit Schedule Property."*

3. By virtue of the aforesaid compromise, the legal representative of plaintiff has relinquished all her right title and interest in the suit property in favour of defendant No.2/respondent No.2, defendant No.3/respondent No.3 and has received a sum of Rs.3,50,000/- from each of the defendants 2 and 3. Defendants 2 and 3 have in turn entered into partition

deed dated 29.07.2020. Plaintiff/appellant has no objection to the ownership of defendants No.2 and 3 in respect of suit property. The legal representative of plaintiff who is present in the Court has admitted the terms of the compromise and also acknowledged the sum of Rs.7,00,000/- from defendants No.2 and 3. Since the compromise petition entered into between the plaintiff and defendants is just and reasonable, the compromise is accepted. The parties are all present before this Court and are identified by their respective counsel. They all have affixed their signatures on the Order Sheet. In view of the compromise, judgment and decree in O.S No.207/1998 and judgment and decree of the First Appellate court in RA No.64/2008 are modified.

The Regular Second Appeal is disposed of in terms of the compromise.

Office is directed to draw the decree in terms of the compromise.

**Sd/-  
JUDGE**

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