

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 30<sup>TH</sup> DAY OF SEPTEMBER, 2022**

**BEFORE**

**THE HON'BLE MR. JUSTICE V. SRISHANANDA**

**REGULAR FIRST APPEAL NO.1486 OF 2013 (RES)**

**C/W**

**REGULAR FIRST APPEAL NO.4 OF 2005 (PAR)**

**R.F.A.NO.1486/2013**

**BETWEEN:**

1. SRI. SHANMUGAM,  
S/O SRI. P.RAJU PILLAI,  
AGED ABOUT YEARS,  
NO.336, 4<sup>TH</sup> MAIN ROAD,  
HAL III STAGE,  
BANGALORE - 560 075.
2. SRI. SIVA PRAKASH,  
S/O SRI. P.RAJU PILLAI,  
AGED ABOUT YEARS,  
NO.231, 8<sup>TH</sup> MAIN III STAGE,  
BEML LAYOUT,  
RAJARAJESWARI NAGAR,  
BANGALORE - 98.
3. SMT. SETHUMANI,  
D/O SRI. R.GANGADHARAN,  
AGED ABOUT YEARS,  
W/O SRI. R.GANGADHARAN,  
R/AT 17, BAZAAR STREET,  
ASHOKNAGAR, BANGALORE - 25.

4. SRI. G.THYANESWARAN,  
D/O SRI. R.GANGADHARAN,  
W/O SRI. R.GANGADHARAN,  
R/AT 17, BAZAAR STREET,  
ASHOKNAGAR, BANGALORE - 25.

... APPELLANTS

(BY SRI. GANESH SHIVASWAMY, ADVOCATE)

**AND:**

1. SMT. MEERAMBAL,  
W/O LATE SRI. P.JAYAVELU,  
AGED ABOUT YEARS,
2. SRI. J.SWAMINATHAN,  
SINCE DECEASED,  
REP. BY LEGAL REPRESENTATIVES
- 2(a) S.SURYA,  
W/O LATE SWAMINATHAN,  
AGED ABOUT 33 YEARS,
- 2(b) S.SACHIN,  
S/O LATE SWAMINATHAN,  
AGED ABOUT 4 YEARS,

ALL RESIDING AT NO.9,  
6<sup>TH</sup> CROSS, LAKSHMIPURAM,  
ULSOOR, BANGALORE - 560 008.

3. SRI. J.SARAVANAN,  
S/O LATE SRI. P.JAYAVELU,  
AGED ABOUT YEARS,  
R/AT NO.BS-23, 2ND FLOOR,  
BLOCK 'B', ITTINA NEELA,  
SAMPIGE NAGAR,  
ELECTRONIC CITY POST,  
BANGALORE - 560 100.

...RESPONDENTS

(BY SRI. B.M.HALASWAMY, ADVOCATE AND  
SRI. AMITH MANDAGI, ADVOCATE)

THIS REGULAR FIRST APPEAL IS FILED UNDER SECTION 96 READ WITH ORDER XLI, RULE 1 OF CPC AGAINST THE JUDGMENT AND DECREE DATED 05.07.2013 PASSED IN O.S.NO.3688/2010 ON THE FILE OF THE XXV ADDITIONAL CITY CIVIL JUDGE, BANGALORE DISMISSING THE SUIT FOR POSSESSION.

**R.F.A.NO.4/2005**

**BETWEEN:**

1. SMT. MEERAMBAL,  
W/O LATE JAYAVELU,  
AGED 57 YEARS,
2. SRI.J.SARAVANAN,  
S/O LATE SRI.P.JAYAVELU PILLAI,  
AGED 39 YEARS,
3. SRI. J.SWAMINATHAN,  
S/O LATE SRI. P.JAYAVELU PILLAI,  
AGED 27 YEARS,

ALL ARE R/AT NO.17, OLD NO.32,  
BAZAR STREET, ASHOK NAGAR,  
BANGALORE - 560 025.

... APPELLANTS

(BY SRI. B.M.HALASWAMY, ADVOCATE AND  
SRI. AMIT MANDAGI, ADVOCATE)

**AND:**

1. P. RAJU PILLAI,  
S/O LATE T.S.PALANIYANDI PILLAI,  
AGED 96 YEARS,  
R/O NO.17/2, BAZAR STREET,  
ASHOK NAGAR, BANGALORE - 560 025.
2. S. BALASUBRANIAN,  
S/O LATE P.SHAMMANAM PILLAI,  
AGED 59 YEARS, (EX-PARTE)

3. SRI. S.KADHIRVELU,  
S/O LATE P.SHAMMANAM PILLAI,  
AGED 56 YEARS,

BOTH ARE R/AT NO.4 (OLD NO.5)  
K.NO.1<sup>ST</sup> ST., ASHOK NAGAR,  
BANGALORE - 560 025.

...RESPONDENTS

(BY SRI. GANESH SHIVASWAMY, ADVOCATE FOR R2 & R3;  
R1 - APPEAL ABATED VIDE ORDER DATED 26.11.2008)

THIS R.F.A. IS FILED UNDER SECTION 96 OF CPC  
AGAINST THE JUDGMENT AND DECREE DATED 30.08.2004  
PASSED IN O.S.NO.255/1995 AND THE FILE OF THE XVIII  
ADDITIONAL CITY CIVIL JUDGE, BANGALORE CITY  
(CCH.NO.32) DISMISSING THE SUIT FOR PARTITION,  
SEPARATE POSSESSION AND MESNE PROFITS.

THESE APPEALS ARE COMING ON FOR ADMISSION,  
THIS DAY, THE COURT DELIVERED THE FOLLOWING:-

### **JUDGMENT**

Case called out, parties are present.

2. Parties submits that they have settled the  
dispute amicably themselves at the intervention of the  
friends and well-wishers.

3. In order to have certainty as to the terms of  
settlement, parties have presented a joint compromise  
petition under Order 23 Rule 3 CPC filed by the parties

stroke the power of attorney holder and also by respective advocates.

4. It is submitted that respondent No.2(b) is a minor and minor's mother is respondent No.2(a). This Court has already granted permission to settle the dispute amicably as the settlement in the interest of the minor.

5. The contents of the joint memo is read over and explained to the parties and parties agree with the terms of joint memo. Compromise Petition depicts true terms of settlement and it reveals that there is no force, or undue influence or coercion in reaching out the terms mentioned in the compromise petition.

6. As such there is no impediment for this Court to accept the joint compromise petition and dispose of the appeals in terms of the compromise petition.

7. Consequently, that parties have agreed that RFA No.4/2005 needs to be dismissed as withdrawn and to that effect a memo is also filed. Hence, the following :

**ORDER**

a) RFA No.1486/2013 is ***disposed of*** in terms of the compromise petition.

Office is directed to draw decree in terms of the compromise petition appending the copy of the compromise petition as part of the decree. Permissible Court fee is ordered to be refunded.

b) RFA No.4/2005 is ***dismissed as withdrawn.***

**Sd/-  
JUDGE**

GPG