



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE V SRISHANANDA

REGULAR FIRST APPEAL No.333 OF 2015 (PAR)

BETWEEN:

1. SRI SHIVABASAPPA
S/O BETHUR THIPPANNA
AGED ABOUT 50 YEARS
R/O D NO.35, DODDAPETE
DAVANAGERE 577 002
2. SRI SIDDALINGAPPA
S/O BETHUR THIPPANNA
AGED ABOUT 45 YEARS
R/O D NO.35, DODDAPETE
DAVANAGERE -577 002
3. SMT SHASHIKALA
W/O LATE CHANNAPPA
MAJOR
R/O D NO.35, DODDAPETE
DAVANAGERE -577 002
4. SRI PUNITH
S/O LATE CHANNAPPA
AGED ABOUT 27 YEARS
R/O D NO.35, DODDAPETE
DAVANAGERE -577 002
5. KUM PAVITHRA
D/O LATE CHANNAPPA
AGED ABOUT 20 YEARS
R/O D NO.35, DODDAPETE
DAVANAGERE 577 002

...APPELLANTS

(BY SRI B.M.SIDDAPPA, ADVOCATE)

Digitally
signed by
MALATESH
K C
Location:
HIGH
COURT OF
KARNATAKA



AND:

1. SMT NEELAMMA
W/O PARAMESHWARAPPA
MAJOR, HOUSEWIFE
2ND MAIN, 3RD CROSS
VIJAYANAGAR
DAVANAGERE 577 002
2. SMT SARVAMANGALAMMA
W/O K M NAGARAJAPPA
MAJOR, HOUSEWIFE
KOLAGATTE VILLAGE
HONNALI TALUK
DAVANAGERE DISTRICT -577 002
3. SRI THIPPESWAMY
S/O BETHUR THIPPANNA
DEAD BY LEGAL REPRESENTATIVES
- 3(a) GOWRAMMA
W/O THIPPESWAMY
AGED ABOUT 65 YEARS
- 3(b) KUMARA
S/O THIPPESWAMY
AGED ABOUT 34 YEARS
- 3(c) DHANAMMA
W/O PRAKASH
D/O THIPPESWAMY
AGED ABOUT 31 YEARS

ALL ARE R/O #810,
NEAR DR.SUSHILAMMA HOSPITAL
HONDADA ROAD,
DAVANAGERE-577 501

...RESPONDENTS

(BY SRI P.M.GOPI FOR SRI SIDDAMALLAPPA P M, ADVOCATES
FOR R1 AND R2;

VIDE ORDER DATED 30.09.2024, R3(a) to R3(c) ARE DELETED)



THIS RFA IS FILED UNDER SECTION 96 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 13.11.2014 PASSED IN O.S.NO.125/2010 ON THE FILE OF THE III ADDL. SENIOR CIVIL JUDGE, DAVANAGERE, DECREERING THE SUIT FOR PARTITION AND SEPARATE POSSESSION.

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

CORAM: HON'BLE MR JUSTICE V SRISHANANDA

ORAL JUDGMENT

Appellants and respondent Nos.1 and 2 are present.

2. A compromise petition under Order XXIII Rule 3 of the Code of Civil Procedure signed by the parties and their respective advocates, is presented before the Court.

3. The contents of the compromise petition are read over to the parties in Kannada language. Parties submit that the terms of the compromise petition depict the true terms of settlement. They also unequivocally submit that there is no force, coercion or undue influence in reaching out the compromise.

4. Accordingly, there is no impediment for this Court to accept the compromise petition and dispose of the appeal in terms of the compromise petition.



5. Hence, the following:

ORDER

- (i) Appeal stands ***disposed of*** in terms of the compromise petition.
- (ii) Office is directed to pass modified decree in terms of the compromise petition appending the copy of compromise petition as part of the decree.
- (iii) No order as to costs.
- (iv) Appellants are entitled for the refund of permissible Court Fee.

**Sd/-
(V SRISHANANDA)
JUDGE**

kcm
List No.: 3 Sl No.: 1