



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF APRIL, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.1601/2022 (GM-CPC)

BETWEEN:

HOOVAPPA
S/O UJJAPPA KAVALERA
AGED 55 YEARS
R/AT KOLLAGI VILLAGE AND POST
SHIKARIPURA TALUK
SHIMOGA DISTRICT-577427.

...PETITIONER

(BY SRI. KEERTHANA SWAMY, ADV., FOR
SRI. KARUMBIAH T.A. ADV.,)

AND:

1. RUDRAMMA
W/O PARAMESHWARAPPA
AGED 58 YEARS
R/AT KOLLAGI VILLAGE AND POST
SHIKARIPURA TALUK
SHIMOGA DISTRICT-577427.
2. MURUGAPPA
S/O MALKAPPA
AGED 50 YEARS
R/AT KANASOGI VILLAGE AND POST
SHIKARIPURA TALUK-577427.

...RESPONDENTS

(BY SRI. RAJASHEKHAR K, ADV., FOR R1
SRI. GURUPRASAD HEGDE, ADV., FOR
SRI. S.V. PRAKASH, ADV., FOR R2)





THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PAYING TO QUASH ANNEXURE-E THE AWARD/ORDER DTD.09.09.2017 AND THE DECREE SIGNED ON 22.09.2017 IN O.S.NO.87/2012 WHICH WAS PENDING BEFORE THE ADDITIONAL CIVIL JUDGE AND JMFC, SHIKARIPURA AND DIRECT THE TRIAL COURT TO DECIDE THE CASE ON MERIT & ETC.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the award dated 09.09.2017 and the decree dated 22.09.2017 passed in OS.No.87/2012 by the Additional Civil Judge and JMFC, (Lok Adalat), Shikaripura (for short 'the trial Court').

2. Smt.Keerthana Swamy, learned counsel for Sri.Karumbaiah, learned counsel appearing for the petitioner submits that the petitioner is defendant No.1 in a suit filed by respondent No.1 seeking partition and declaration. It is submitted that in the said suit, by playing fraud and forging the petitioner's signature and



photographs, a compromise petition was created and presented before the Lok Adalat, but on the said date of the alleged compromise, the petitioner was not present. However, the conciliator accepted the compromise petition and decreed the suit. It is further submitted that the petitioner, being the brother of respondent No.1/plaintiff is entitled to an equal share i.e. 1/2 share in the suit schedule property. However, under the compromise petition only 2 acre 30 guntas were allotted to him, which is not an equitable distribution. It is also submitted that the petitioner was not aware of the filing of the compromise petition before the Lok Adalat and came to know of the same only in January 2020, when he learned that the suit had been decreed based on such compromise. Thereafter, the petitioner filed this writ petition seeking to set aside the decree on the ground of fraud. Hence, she seeks to allow the petition.

3. Per contra, Sri.Rajashekhar K., learned counsel appearing for respondent No.1 and Sri.Guruprasad Hegde,



learned counsel for Sri.S.V.Prakash, learned counsel appearing for respondent No.2, supports the decree of the Lok Adalat and submit that the petitioner had appeared in person and his photograph is affixed to the compromise petition. It is submitted that the conciliator, during the conciliation proceedings verified the compromise, recorded the presence of the parties, and obtained their signatures on the order sheet and thereafter, the compromise was recorded and accepted. It is further submitted that the present petition is merely an afterthought.

4. Learned counsel appearing for respondent No.2 vehemently submits that respondent No.2 is a bonafide purchaser of a portion of the suit schedule property measuring 1 acre 34 guntas from the petitioner. Despite being aware that the extent was reduced to 1 acre 29 guntas in the compromise petition, the petitioner accepted a compromise to avoid the litigation and now the petitioner is taking a different stand in the petition, which



is an afterthought. Accordingly, he seeks to dismiss the petition with exemplary costs.

5. I have heard the arguments of the learned counsel for the petitioner, learned counsel for the respondents and meticulously perused the material available on record.

6. Respondent No.1 herein has filed OS.No.87/2012 before the Additional Civil Judge and JMFC, Shikaripura seeking the relief of partition and declaration. In the said suit, the petitioner herein was defendant No.1 and respondent No.2 herein was defendant No.2. The material on record indicates that respondent No.2 had purchased a portion of the suit schedule property from the petitioner under a registered sale deed dated 29.09.2010 to the extent of 1 acre 34 guntas. The records further indicate that the parties to the suit agreed to amicably resolve the dispute and accordingly, entered into a compromise by filing a



compromise petition under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (for short 'CPC') on 09.09.2017. The said compromise petition was presented before the Lok Adalat, where the conciliator upon perusal of its terms, accepted the same. Based on the compromise petition, a decree came to be drawn which is now under challenge.

7. It is to be noticed that the petitioner has raised various contentions alleging that the compromise petition was presented before the Lok Adalat without his knowledge, by forging his signature, which was accepted by the Lok Adalat and decree is drawn. However, a perusal of the compromise petition indicates that the very petitioner's photograph is affixed thereto and his signature appears alongside the photographs and signatures of other parties to the suit. The order sheet of the trial Court indicates that the petitioner signed the order sheet on the date on which the compromise was accepted by the Lok Adalat. The allegations of fraud made by the petitioner are



without any substance. It is required to be noticed that the compromise was entered between the parties on 09.09.2017 which was accepted by Lok Adalat on the same day and the decree was drawn on 22.09.2017. If the petitioner is of the view that fraud had been committed by forging his signature, nothing prevented him from taking immediate steps, either by lodging a police complaint or by approaching this Court challenging the said compromise decree.

8. The present writ petition has been filed on 20.01.2022 challenging the compromise decree dated 22.09.2017, which was drawn based on the compromise petition presented before the Lok Adalat on 09.09.2017 and there is no explanation whatsoever for such enormous delay. The contention of the petitioner that the delay was caused due to the COVID-19 pandemic is vague and unsubstantiated, and therefore cannot be accepted. This Court also noticed that under the compromise petition, respondent No.1/plaintiff was allotted 3 acres 5



guntas of the land, the petitioner/defendant No.1 was allotted 2 acres and 30 guntas of the land and respondent No.2/defendant No.2 was allotted 1 acre 29 guntas. The aforesaid distribution of shares as agreed by the parties appears to be fair and equitable. Accordingly, the contentions urged by the learned counsel for the petitioner has no merit. For the aforementioned reasons, the writ petition is devoid of merit and the same is ***rejected***.

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

ABK
List No.: 1 Sl No.: 19