



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 3726 OF 2020 (GM-CPC)

BETWEEN:

VENKATAMMA
D/O LATE VADDARA YELLAPPA
W/O LATE CHINNAPPA
AGED ABOUT 70 YEARS
RESIDENT ADIGANAHALLI VILLAWG
BAGEPALLI TALUK,
CHICKBALLAPUR DISTRICT

...PETITIONER

(BY SRI. VISHWANATH R HEGDE., ADVOCATE)

AND:

1. A V ADINARAYANAPPA
S/O PEDDA VENKATARAMAPPA
AGED ABOUT 37 YEARS
AGRICULTURIST
2. SRI A.C. RAVI
S/O CHICKKA VENKATARAMAPPA
AGED ABOUT 36 YEARS
AGRICULTURIST
3. SRI.A.R SRINIVASA
S/O RAMAPPA
AGED ABOUT 39 YEARS
AGRICULTURIST



4. SRI. RAVINDRA REDDY L
S/O GOVINDA REDDY
AGED ABOUT 44 YEARS
AGRICULTURIST
5. SRI NANJAPPA
S/O ASWATHAPPA
AGED ABOUT 61 YEARS
AGRICULTURIST.
6. SRI RAMANJINAPPA,
S/O NARASIMHAPPA,
AGED ABOUT 37 YEARS,
AGRICULTURIST.

ALL RESPONDENTS
R/AT ADIGANAHALLI VILLAGE,
KASABA HOBLI,
BAGEPALLI TALUK,
CHICKBALLAPUR DISTRICT.

...RESPONDENTS

(R1 & R3 seemed to be served
vide Court order dated 12.01.2026;
R2, R4, R5 & R6 are served)

THIS WP FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER WRIT/ORDER/DIRECTION
QUASHING THE ORDER AND COMPROMISE DECREE DATED
15.12.2018 IN O.S.NO.463/2018 PASSED BY THE COURT OF
CIVIL JUDGE, BAGEPALLI (ANNEXURE-E), ETC.,

THIS PETITION, COMING ON FOR ORDERS, 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 compromise decree dated 15.12.2018 passed in O.S.No.463/2018 by the Civil Judge and JMFC, Bagepalli.

2. Sri.Vishwanath R.Hegde, learned counsel appearing for the petitioner submits that the petitioner has filed a suit in O.S.No.139/2014 for partition and possession of the 1/8th share in nine items of the suit schedule property against the defendants in the said suit. It is submitted that during the pendency of the said suit, the grand children of defendant No.1 filed suit in O.S.No.463/2018 without making the plaintiff as a party and the said suit came to be decreed before the Lok-Adalath. It is submitted that the subject matter in O.S.No.463/2018 is the same as in O.S.No.139/2014 as the decree holders in O.S.No.463/2018 cannot object the anticipated decree in O.S.No.139/2014 at the strength of fraudulent decree in O.S.No.463/2018. In support of his



contention, he places reliance on the decision of the ***State of Punjab and another Vs. Jalaour Singh and others***¹ and submits that any party who wants to challenge the decree at the Lok-Adalath, he can maintain the writ petition. He seeks to allow the petition.

3. The respondents though served remained absent.

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

5. The petitioner herein filed O.S.No.139/2014 for partition, separate possession of 1/8th share in nine items of the suit schedule property referred in the schedule to the plaint. The said suit was filed against one Sri.Vaddara Yellappa and others claiming to be the co-parceners of the family and the property as their joint family property. The grandchildren of Sri.Vaddara Yellappa filed O.S.No.

¹ AIR 2008 SC 1209



463/2018 seeking the relief that they are the owners of the suit schedule property referred in plaint in O.S.No. 463/2018 and for permanent injunction. The perusal of the suit schedule property in O.S.No.463/2018, it is to be noticed that they are Item Nos.1, 2 and 3 in O.S.No. 139/2014 filed by the petitioner herein. Admittedly, the petitioner who is the plaintiff in O.S.No.139/2014 was not a party in O.S.No.463/2018 and the parties in O.S.No. 463/2018 settled the dispute along with the defendants and got the decree before the Lok-Adalath. It is to be noticed that in O.S.No.463/2018, the plaintiff herein is not a party. Hence, the said judgment and decree is not binding on the plaintiff in O.S.No.139/2014, i.e., the petitioner herein. The petitioner is required to establish independent right in O.S.No.139/2014 and the decree in O.S.No.463/2018 would not bind him. The Trial Court, based on the pleadings and evidence to be adduced by the petitioner would consider the granting of relief sought and



definitely the Trial Court should not reject the relief sought in the plaint based on the decree in O.S.No.463/2018.

6. With the above observation, I am further making it clear that the judgment and decree in O.S.No.463/2018 would not come in the way of petitioner seeking the relief in O.S.No.139/2014, the writ petition is ***disposed of***. It is also made clear that this Court has not expressed any opinion on the merits of the case.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE