



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 4078 OF 2025 (GM-CPC)

BETWEEN:

1. SRI MANJU
S/O. LATE EREGOWDA @ ERAIAH
AGED ABOUT 32 YEARS
R/AT SUNNAGHATTA VILLAGE
BEHIND MILK DIARY, NEAR SCHOOL
KASABA HOBLI, CHANNAPATNA TALUK
RAMANAGARA DISTRICT-562138.
2. SRI BOREGOWDA
S/O. LATE EREGOWDA @ ERAIAH
AGED ABOUT 30 YEARS
R/AT SUNNAGHATTA VILLAGE
BEHIND MILK DIARY, NEAR SCHOOL
KASABA HOBLI, CHANNAPATNA TALUK
RAMANAGARA DISTRICT-562138.

...PETITIONERS

(BY SRI. SHREEHARSHA L M., ADVOCATE FOR
SRI. NARASIMHARAJU., ADVOCATE)

AND:

SMT. BHAGYAMMA
W/O. RAJESH
AGED ABOUT 40 YEARS
R/AT NO.1657, WARD NO.28
NEAR MALLESHWARA TEMPLE
MALLESHWARA STREET, IJOOR EXTENSION
RAMANAGAR TOWN, RAMANAGARA DISTRICT.

...RESPONDENT

(BY SRI. PRAKASH M H., ADVOCATE)



THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRYING TO ISSUE WRIT OF CERTIORARI BY SETTING ASIDE THE ORDER DATED: 04.01.2025 PASSED BY SENIOR CIVIL JUDGE AND JMFC AT CHANNAPATNA IN FDP NO. 8/2023 PASSED ON APPLICATION FILED UNDER ORDER 23 RULE 3A R/W SECTION 151 OF CPC AS PER ANNEXURE-A AND CONSEQUENTLY ALLOW THE SAID APPLICATION FILED BY THE PETITIONERS AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioners-defendants has called in question the order dated 04.01.2025 passed by Senior Civil Judge & JMFC, Channapatna on application filed under Order XXIII Rule 3A read with Section 151 of CPC, in FDP No.8/2023, whereby the said application has been dismissed.

2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court in Original Suit.



3. The plaintiff instituted O.S.No.85/2018 seeking partition and separate possession. A preliminary decree came to be passed on 12.06.2023. Thereafter, the plaintiff initiated final decree proceedings in FDP No.8/2023 before the Senior Civil Judge & JMFC, Channapatna. The said proceedings came to be concluded on the basis of a compromise petition dated 22.02.2024 filed by the parties, pursuant to which a compromise decree was passed on 04.03.2024. Subsequently, the defendants filed an application under Order XXIII Rule 3A of CPC seeking to recall the compromise decree on the ground that their signatures were obtained by force. The Trial Court, by the impugned order, rejected the said application. Aggrieved thereby, the present writ petition is filed.

4. A perusal of the impugned order, produced at Annexure A, indicates that the Trial Court has failed to consider the specific grounds urged by the petitioners-defendants in the application filed under Order XXIII Rule



3A of CPC. The order does not disclose any reasons and cannot be construed as a speaking order. On this short ground alone, the impugned order is liable to be set aside, and the matter requires reconsideration by the Trial Court in accordance with law.

5. Accordingly, the following order is passed:

ORDER

- a) The writ petition is allowed.
- b) The impugned order dated 04.01.2025 passed by Senior Civil Judge & JMFC, Channapatna on application filed under Order XXIII Rule 3A read with Section 151 of CPC, in FDP No.8/2023, is set aside.
- c) The matter is remitted back to the Trial Court for re-consideration of the application filed under Order XXIII Rule 3A read with Section 151 of CPC.



- d) The Trial Court is directed to dispose of the application in accordance with law and as expeditiously as possible, not later than three months from the date of receipt of a certified copy of this order.
- e) All pending I.As., if any, in this writ petition are disposed of.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**

DM
LIST NO.: 1 SL NO.: 41