



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 6285 OF 2026 (GM-CPC)

BETWEEN:

SMT. S. SUBBAMMA
AGED ABOUT 73 YEARS,
W/O. SRI. S. KUMAR,
NO.416, 5TH MAIN ROAD,
9TH CROSS, D GROUP LAYOUT,
SRIGANDADAKAVAL,
VISHWANEEDAM POST,
BENGALURU-560 091.

REPRESENTED BY HER GPA HOLDER,
SRI. S. KUMAR,
AGED ABOUT 82 YEARS,
S/O. LATE S. SIDDAPPA,
NO.416, 5TH MAIN ROAD,
9TH CROSS, D GROUP LAYOUT,
SRIGANDADAKAVAL,
VISHWANEEDAM POST,
BENGALURU-560 091.

...PETITIONER

(BY SRI. KARTHIK S.V., ADVOCATE FOR
SMT. DIVYA S.V., ADVOCATE)

AND:

1. SMT. SAVITHA
AGED ABOUT 52 YEARS,
W/O. LATE NAGARAJA K.S
2. SRI. HEMANTH KUMAR G.N
AGED ABOUT 30 YEARS,
S/O. LATE NAGARAJA K.S





BOTH RESIDING AT,
GEJJAGARAGUPPE VILLAGE,
MADBAL HOBLI, MAGADI TALUK.

3. SMT. SUCHITRA,
AGED ABOUT 64 YEARS,
W/O. SRI. R. RANGANATHARAJ,
NO.17, 1ST CROSS,
MANJUNATHANAGAR,
MAGADI MAIN ROAD,
BENGALURU-560 079.

...RESPONDENTS

(SERVICE OF NOTICE TO RESPONDENTS DISPENSED WITH
ON 27.02.2026)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASHING THE
ORDER DATED 02.09.2025 PASSED BY ADDITIONAL SENIOR
CIVIL JUDGE AND JMFC, MAGADI IN O.S. NO.86/2015 AT
ANNEXURE - K TO THE PRESENT WRIT PETITION AND
CONSEQUENTLY, ALLOW THE INTERLOCUTORY
APPLICATION DATED 13.08.2025 FILED BY THE PETITIONER
UNDER SECTION 151 OF CODE OF CIVIL PROCEDURE, 1908
AT ANNEXURE-J TO THE WRIT PETITION, BY ALLOWING THIS
WRIT PETITION AND ETC.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, the petitioner seeks the following reliefs:

- “a) Issue a writ in the nature of certiorari quashing the Order
dated 02.09.2025 passed by Additional Senior Civil
Judge & JMFC, Magadi in O.S. No.86/2015 at Annexure*



- 'K' to the present Writ Petition and consequently, allow the Interlocutory Application dated 13.08.2025 filed by the Petitioner under Section 151 of Code of Civil Procedure, 1908 at Annexure-'J' to the Writ Petition, by allowing this Writ Petition;

b) Issue a Writ in the nature of Mandamus directing the Office/Registry of the Additional Senior Civil Judge & JMFC, Magadi to issue a fresh covering letter along with fresh Final Decree engrossed upon the requisite Stamp paper furnished by the Petitioner in O.S. No.86/2015 for the purpose of registration of the same within a period of 10 days within an outer limit of 10 days;

b) Grant costs; and

c) Such other reliefs as this Hon'ble Court deems fit to grant in the facts and circumstances of the case and in the interest of justice and equity."

2. Heard learned counsel for the petitioner and perused the material on record.

3. Learned counsel for the petitioner has filed a memo seeking dispensation of notice to the respondents on the ground that no relief is sought for against them. The said memo is placed on record.



4. For the order proposed, notice to respondents is dispensed with.

5. A perusal of the material on record will indicate that the petitioner-plaintiff instituted a suit in O.S.No.86/2015 against the respondents-defendants for partition and separate possession of her alleged share in the suit schedule immovable properties and for other reliefs. On 05.01.2023, the petitioner and respondents settled the dispute amicably before the Lok Adalath, pursuant to which a compromise decree dated 20.02.2023 was passed by the Trial Court. Subsequently, on 01.06.2023, final decree was drawn on the requisite stamp paper provided by the petitioner along with the covering letter addressed to the Sub-Registrar, Magadi to do the needful for registration. However, since the jurisdictional Sub-Registrar did not register the final decree engrossed on stamp paper, the petitioner filed the instant application under Section 151 CPC on 13.08.2025 requesting the Trial Court to issue a fresh covering letter along with fresh final decree engrossed on stamp paper. By the impugned order, the Trial Court rejected the said application, aggrieved by which the petitioner is before this Court by way of the present petition.



6. Under identical circumstances in the case of **Sri. Basavaraju and another Vs. Smt. Mahalakshmi and others – W.P.No.14535/2022 dated 23.06.2023**, this Court held as under:

“This petition is directed against the impugned order dated 23.05.2022 passed in O.S.No.316/2020 on the file of the Addl. Senior Civil Judge & JMFC, Magadi, whereby the application filed by the petitioners seeking a direction to the Registry of the trial Court to issue a fresh covering letter to the jurisdictional Sub-Registrar to register the Final Decree dated 02.01.2021 passed in the said suit engrossed on stamp paper, was dismissed by the trial Court.

2. *Heard learned counsel for the petitioners and learned counsel for the respondents and perused the material on record.*

3. *The material on record discloses that pursuant to the compromise entered into between the parties, the trial Court passed the Final Decree dated 02.01.2021 and the same was engrossed on requisite stamp paper on 06.02.2021. Subsequently, petitioners – defendant Nos.5 and 8 filed the instant application seeking extension of time and condonation of delay in getting the Final Decree dated 02.01.2021 registered on the ground that survey sketch that was required was not available earlier and consequently, the Final Decree dated 02.01.2021, which was engrossed on stamp paper could not be presented for registration. It was therefore contended that the Registry of the Trial Court be*



directed to issue a fresh covering letter along with the Final Decree dated 02.01.2021 engrossed on stamp paper for registration.

4. *It is needless to state that the respondents did not oppose the said application. However, the Trial Court proceeded to pass the impugned order rejecting the application on the ground that the stamp paper ought to have been presented for registration within the prescribed period of four months from the date on which it was engrossed as required under Section 23 of the Registration Act or four months thereafter, as required under Section 25 of the Registration Act. Aggrieved by the impugned order passed by the Trial Court, petitioners are before this Court by way of the present petition.*

5. *Learned counsel for the petitioners submits that petitioners would furnish fresh / new stamp paper for the Final Decree dated 02.01.2021 to be engrossed on the same in terms of the Compromise Decree dated 02.01.2021. It is submitted that immediately upon the Final Decree dated 02.01.2021 being engrossed on the fresh / new stamp paper to be furnished by the petitioners, Registry of the Trial Court may be directed to issue a covering letter to the jurisdictional Sub-Registrar to register the said Final Decree dated 02.01.2021. The submission is placed on record.*

6. *In view of the aforesaid facts and circumstances and submissions made by the learned counsel for the petitioners, I deem it just and appropriate to*



set aside the impugned order and dispose of this petition by issuing certain directions.

7. *In the result, I pass the following:*

ORDER

- (i) *The petition is hereby **allowed**.*
- (ii) *The impugned order dated 23.05.2022 passed in O.S.No.316/2020 by the Addl. Senior Civil Judge & JMFC, Magadi, is hereby set aside.*
- (iii) *Petitioners are directed to furnish the requisite stamp paper to the Trial Court for the purpose of drawing up of a fresh / new Final Decree as per the Compromise Decree dated 02.01.2021.*
- (iv) *Immediately upon the petitioners furnishing a fresh stamp paper, the trial Court is directed to draw up a fresh / new Final Decree forthwith and issue a covering letter immediately in favour of the petitioners for the purpose of getting it registered in accordance with law.*
- (v) *The Registry of the trial Court is also directed to take all other necessary steps to facilitate drawing up and registration of Final Decree dated 02.01.2021 in favour of the petitioners.*
- (vi) *Subject to the aforesaid directions, petition stands allowed."*

7. In the instant case, it is an undisputed fact that pursuant to the compromise entered into between the petitioner and respondents, a compromise decree was passed pursuant to a



Lok Adalath award and the said compromise decree having been drawn up by the Trial Court, it was incumbent upon the Trial Court to engross the same on requisite stamp paper and forward to the jurisdictional Sub-Registrar for registration and failure on the part of the Trial Court to appreciate this has resulted in erroneous conclusion.

8. In the result, I pass the following:

ORDER

- (i) The petition is **allowed**.
- (ii) The impugned order dated 02.09.2025 passed in O.S.No.86/2015 by the Additional Senior Civil Judge and JMFC, Magadi is hereby set aside.
- (iii) The application dated 13.08.2025 filed by the petitioner is hereby allowed.
- (iv) The Trial Court is directed to engross the final decree passed in the suit in the fresh/new stamp paper to be submitted by the petitioner and forward the same to the Sub-Registrar for registration, immediately upon receipt of a copy of this order.



- (v) Immediately upon receipt of the final decree engrossed on stamp paper by the jurisdictional Sub-Registrar, the jurisdictional Sub-Registrar shall register the said document within a period of one week from that day.
- (vi) The Trial Court is directed to draw up and engross the final decree on stamp paper within a period of one week from the date on which the petitioner submits the requisite stamp paper to the Trial Court.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE