



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE M G UMA

REGULAR SECOND APPEAL NO. 545 OF 2010 (DEC/INJ)

BETWEEN:

P.G THIMMAIAH
S/O GIRIYAPPA
AGED ABOUT 68 YEARS,
AGRICULTURIST, RESIDENT
OF THOPINAGOLLARAHALLI
DHARMAPURA HOBLI,
HIRIYUR TALUK
CHITRADURGA DISTRICT

...APPELLANT

(BY SRI. D.S. RAMACHANDRA REDDY, ADVOCATE)

AND:

1. D.R RAMAKRISHNA GOWDA
S/O DODDARANGAPPA
AGED 55 YEARS, AGRICULTURIST
RESIDENT OF THOPINAGOLLARAHALLI
DHARMAPURA HOBLI, HIRIYUR TALUK
CHITRADURGA DISTRICT

SINCE DECEASED REPRESENTED
BY HIS LEGAL REPRESENTATIVES

- R1(A) YASHODHAMMA
W/O D.R. RAMAKRISHNA GOWDA,
AGED 55 YEARS,
- R1(B) THIMMEGOWDA,
S/O D.R RAMAKRISHNA GOWDA,
AGED 33 YEARS,
- R1(C) INDUMATHI
D/O D.R RAMAKRISHNA GOWDA





AGED 29 YEARS

R1(D) CHETHANA,
D/O D.R. RAMAKRISHNA GOWDA
AGED 19 YEARS

AMENDED AS PER C.O. DATED
23-02-2026
R1(D) EXPIRED AND NON
REPRESENTED BY THE RESPONDENTS
1(A) TO 1(C)

ALL THE ABOVE LEGAL
REPRESENTATIVES ARE
RESIDENTS OF
TOPINAGOLLARAHALLI,
DHARMAPURA HOBLI,
HIRIYUR TALUK,
CHITADURGA DISTRICT.

2. DODDARANGAPPA
S/O GIRIYAPPA
AGED ABOUT 78 YEARS,
AGRICULTURIST
RESIDENT OF
THOPINAGOLLARAHALLI,
DHARMAPURA HOBLI,
HIRIYUR TALUK,
CHITRADURGA DISTRICT

...RESPONDENTS

(BY SRI. B.K. MANJUNATH, ADVOCATE FOR R1(A-C)
R2 - SD.)

THIS RSA IS FILED U/S 100 OF CPC, AGAINST THE
JUDGEMENT & DECREE DTD:2.12.2009 PASSED IN R.A.NO.30/2007
ON THE FILE THE ADDL. DISTRICT & SESSIONS JUDGE,
CHITRADURGA, DISMISSING THE APPEAL AND CONFIRMING THE
JUDGEMENT AND DECREE DTD:29.6.2007 PASSED IN



O.S.NO.18/2006 ON THE FILE OF THE CIVIL JUDGE (SR.DN)
HIRIYUR.

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

CORAM: HON'BLE MRS. JUSTICE M G UMA

ORAL JUDGMENT

Learned counsel for the appellant has filed the memo reporting death of respondent No.1(d) - Kum.Chethana on 15.01.2022. It is stated that she was unmarried and had left behind respondent Nos.1 (a to c) as her legal representatives. This fact is admitted by the learned counsel for respondent Nos.1(a to c).

2. The copy of the death certificate is also produced. In view of the memo and the submissions made by both the learned counsels, learned counsel for the petitioner is permitted to carryout the amendment in the cause list and to file the amended cause title.

3. Learned counsel for the appellant, respondent No.1(a to c) and respondent No.2 submit in unison that the dispute between the parties is settled amicably and that they are reporting settlement.



4. Learned counsels have filed the memorandum of compromise petition under Order 23 Rule 3 of CPC, which reads as under:

"Memorandum of Compromise Petition under Order XXIII Rule 3 of the Code of Civil Procedure.

The Appellant and the Respondents shown above in the cause title of the case submit as under:-

- 1. The dispute in the above case is about the validity and genuineness of a Will dated 12-12-1994 said to have been executed by the father of the Appellant and the Second Respondent, late Giriyappa in favour of the deceased First Respondent D.R. Ramakrishne Gowda who was the son of the Second Respondent Doddarangappa. The Appellant is the Second son of late Giriyappa and younger brother of the Second Respondent. The Subject matter of the above mentioned Will is land in Survey Number 27/1 measuring 11 acres and 23 guntas situated in Thopinagollahalli (T. Gollahalli), Dharmapura Hobli, Hiriyur Taluk, Chitradurga District.*
- 2. Now on the advice of well wishers, Relatives and Elders of both the Appellant and the Respondents above and in view of the close relationship of the Parties, the dispute has been amicably settled between the Parties as follows.*
- 3. The Appellant Sri P.G. Thimmaiah and his family members shall take the land mentioned in Schedule - A below, absolutely as their own without any future claim from the Respondents shown above in the Cause Title or their Successors.*
- 4. The First Respondent's Legal Representatives R1(a), R1(b) and R1(c) Smt. Yashodamma,*



Thimme Gowda and Smt. Indumathi shall take the rest of the land in Survey No. 27/1 of Thopinagollahalli, Hiriya Taluk excluding the land in the same Survey Number Taken by the Appellant herein. Respondent R1 (d) Smt. Chethana expired on 15/01/2022 unmarried and the Respondents R1(a) to R1(c) are the Legal Representatives of Smt. Chethana. The Appellant and his successors shall have no claim over this land taken by the Respondents in future. This portion of the land is shown in Schedule B

- 5. The respective parties shall not raise any future dispute in respect of the above allotment against each other and can enjoy their respective allotted portions of the land without hindrance from the other side. They are entitled to get their respective lands mentioned in the Schedules below surveyed and demarcated.*
- 6. This Compromise Petition is made without any Coercion, Fraud and with total willingness by all the parties.*
- 7. This Compromise is not against any law of the land, public policy and is in consonance with all Statutory Provisions.*
- 8. In respect of the above two portions of the land given to both the parties, if there is no approach way from a public road to any portion, right of passage shall be given to the concerned party by the other party for the purpose of cultivation and other agricultural activities.*
- 9. All the parties herein hereby declare that they will abide by the terms of this compromise in the strictest terms without any future Litigation.*

Hence, the Appellant and the Respondents herein respectfully pray this Hon'ble Court to pass a



Judgement and Decree in terms of this Compromise Petition by reversing the Judgments and Decrees passed by the Trial Court in O.S. No. 18/2006 (Court of the Civil Judge Senior Division, Hiriyur dated 29-06-2007 and the First Appellate Court (Additional District and Sessions Judge, Chitradurga) in R.A. No.30/2007 dated 02-12-2009 in the interest of Justice and Equity.

SCHEDULE - A

Out of the total extent of 11 acres 23 guntas of the land in Survey Number 27/1 of Thopinagollahalli, the Appellant herein shall take an extent of 3 acres and 20 guntas of land on the Northern Side, absolutely, bounded by

South - Remaining land in Survry No. 27/1 of T. Gollahalli taken by the Respondents herein.

North - Land in Sy. No. 25 of T. Gollahalli belonging to Pandurangappa

East - land in Sy.Nos. 24, 25 of T. Gollahalli belonging to Pandurangappa

West - land in Sy.No.27/4 of T. Gollahalli belonging to Earadasappa.

SCHEDULE - B

The Respondents herein shall take the remaining extent of 8 acres and 3 guntas of the land in Survey Number 27/1 of Thopinagollahalli absolutely."



5. The appellant and respondent No.1(a to c) and respondent No.2 have signed the memorandum of compromise along with their respective counsel.

6. The appellant and respondent No.1(a to c) and respondent No.2 are present before the Court and they are identified by their respective counsel.

7. The parties admit the terms of compromise and they have no objection for allowing the appeal and to pass the judgment and decree in terms of memorandum of compromise.

8. The memorandum of compromise petition and submissions are placed on record. Satisfied with the terms of compromise.

9. In view of the above, the memorandum of compromise petition filed under Order 23 Rule 3 of CPC is accepted.

10. Accordingly, I proceed to pass the following:

ORDER

(i) The appeal is ***allowed***.



- (ii) The impugned judgments and decrees passed in OS.No.18/2006 dated 29.06.2007, on the file of the learned Civil Judge Senior Division, Hiriya and in RA No.30/2007 dated 02.12.2009 passed on the file of the learned Additional District and Sessions Judge, Chitradurga is modified in terms of compromise entered into between the parties.
- (iii) Memorandum of compromise petition shall form part of the decree to be drawn by this Court.
- (iv) Office is directed to draw decree accordingly.

In view of the disposal of the main petition, pending IA No.1/2023 and IA No.2/2023 stand disposed off.

**SD/-
(M G UMA)
JUDGE**

BH
CT:VS

List No.: 1 Sl No.: 5