



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

REGULAR FIRST APPEAL NO. 78 OF 2018 (DEC/INJ)

BETWEEN:

SRI. R.N. NANJUNDAPPA
SINCE DECEASED REPRESENTED
BY HIS LR.
R.N. JAYANTH

1. SRI. R.N. JAYANTH
S/O LATE R.N. NANJUNDAPPA
AGED ABOUT 68 YEARS
RESIDING AT NO.15/B
VISHWANATH RAO ROAD
MADHAVANAGAR
BANGALORE-560 001

...APPELLANT

(BY SMT. S.K. NAGARATHNA, ADVOCATE)

AND:

1. BANGALORE MAHANAGARA PALIKE
N.R. SQUARE
BANGALORE-02
REPRESENTED BY ITS COMMISSIONER

[DELETED AS PER THE ORDER OF
COURT DATED 25.02.26]

2. M/S. VASUPOJYA JAIN TRUST
NO.17, VISHWANATHA RAO ROAD





MADHAVANAGAR
BANGALORE-01
REPRESENTED BY ITS TRUSTEES
SRI. KEWAL CHAND JAIN AND
SRI. AMRITLALJI

3. SRI. KEWALCHAND JAIN
S/O LATE LALCHAND
AGED ABOUT 86 YEARS
TRUSTEE
OF M/S. VASUPUJYA JAIN TRUST
NO.43, (NEW NO. 18)
VISHWANATHA RAO ROAD
MADHAVANAGAR
BANGALORE-560 001
4. SRI. AMRITLAJI
S/O KAPOORCHANDJI
AGED ABOUT 68 YEARS
TRUSTEE OF M/S. VASUPUJYA JAIN TRUST
NO.43, (NEW NO. 18)
VISHWANATHA RAO ROAD
MADHAVANAGAR
BANGALORE-560 001

...RESPONDENTS

(BY SRI. D. PRABHAKAR, ADVOCATE FOR R2 AND R4;
VIDE ORDER DATED 25.02.2026 APPEAL
AGAINST R1 IS DELETED;
VIDE ORDER DATED 23.01.2024 APPEAL
AGAINST R3 IS ABATED)

THIS RFA IS FILED UNDER SEC.96 OF CPC., AGAINST
THE JUDGMENT AND DECREE DATED 04.10.2017 PASSED IN
OS.NO.1461/2008 ON THE FILE OF THE LII ADDITIONAL CITY



CIVIL AND SESSIONS JUDGE, BENGALURU CITY, DISMISSING
THE SUIT FOR PERMANENT INJUNCTION AND DECLARATION.

THIS APPEAL, COMING ON FOR REPORTING
SETTLEMENT, THIS DAY, JUDGMENT WAS DELIVERED THEREIN
AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL JUDGMENT

An application is filed at I.A.No.1/2026 to delete
respondent No.1 from the array of this appeal.

2. Learned counsel appearing for respondent No.1
submits that he has no objection to delete respondent No.1
from the array of the appeal and he further submits that no
relief is sought against respondent No.1.

3. Submission of the learned counsel appearing for
respondent No.1 is placed on record.

4. Since it is submitted that the appellant do not wish
to proceed the appeal against respondent No.1, appeal is
dismissed as against respondent No.1, with a clear observation
that the settlement to be recorded between the appellants and
respondent No.2 will not abide or affect the any kind of



claim/action of of respondent No.1 over the property.
Accordingly, the I.A.No.1/2026 is allowed.

5. Hence, appeal against respondent No.1 is dismissed.

6. Learned counsel appearing for the appellants and respondent No.2 jointly submit that the dispute between the parties is settled and accordingly an application is filed under Order XXIII Rule 3 of the Code of Civil Procedure.

7. The terms and conditions are as follows:

**"Compromise Petition under Order XXIII Rule 3 of
the Code of Civil Procedure:**

The parties above named submit as follows:

1. *The above appeal has been filed by the Appellant challenging the Judgment and Decree dated 04.10.2017 in O.S. 1461/2008 passed by the LII City Civil Judge, Bengaluru, wherein the suit filed by the Appellant came to be dismissed.*
2. *During the course of the above proceedings, due to the intervention of well wishers and friends, the Appellant and the Trustees of the 2nd Respondent*



Trust negotiated for a settlement and they have settled their issues.

3. *The Trustees of the 2nd Respondent Trust having held a meeting with other trustees, have passed a resolution and in accordance with the said resolution, the parties have settled the matter as per the following terms and conditions:*

- a. *The Respondent No. 2 through its Trustees undertake to make arrangement for proper parking of vehicles beyond trust property on the road towards under bridge and shall not cause a traffic jam on the Vishwanatha Rao Road. The Respondent No.2 through its Trustees has agreed to appoint a security guard who shall look after the parking of vehicles and the free flow of vehicles on the said road. The vehicles including the two wheeler and the four wheeler shall not be parked either in front the Sabha Bhavan or the Temple or block the entrance of the Appellant's house.*
- b. *The Respondent No. 2 through its Trustees has agreed to prevent any inconvenience to the Appellant and other residents during rituals. They undertake that in the event of using manual band set (like dhols and drums), they shall use it only 2 (two) days in a year during the visit of their Spiritual*



Gurus. In line with that they also undertake that they shall not attach loud speakers to the band set and keep the volume of the music at basic low level so that there will be no inconvenience caused to the Appellant and the residents and shall not hamper the peace and tranquillity of the locality.

- c. The Respondent No. 2 through its Trustees further undertake that in the event of using a team of manual band or any other type of music band, in early hours of the morning (6 am to 10 am) and (5 pm to 10 pm) during above said two days during the visit of their spiritual gurus in a year, if required they shall keep the sound and music at low and basic level, so as to not disturb the peace of the locality particularly those who are ailing, the aged and small children.*
- d. They also further undertake that the mobile sound system trucks equipped with sound system shall not be used under any circumstance so as to maintain the peace and tranquillity of the locality.*
- e. The Respondent No. 2 through its Trustees undertake that in the event where a procession of 50 people or more are gathered in and around the Temple, they shall not cause any kind of inconvenience to*



the Appellant, leading to noise pollution and traffic hazard at any point of time. They further undertake that no marriages and such ceremonies will be held at the Trust premises that is the said sabha bhavan or Temple including the adjacent facilities and buildings belonging to the Trust.

- f. The Respondent No. 2 through its Trustees undertake that no loud speakers shall be used within any part of the Temple and associated premises except for the above said two days in a year during the visit of their Gurus. They also undertake that they shall keep the sound decimal at the lowest level of the loudspeaker on the said days.*
- g. The Respondent No. 2 through its Trustees undertake that they shall not cause any inconvenience to the Appellant which shall cause health hazard, noise pollution or traffic hazard by their activities.*

Wherefore the Appellant and Respondents 2 pray that this Hon'ble Court be pleased to dispose the above appeal in terms of the Compromise Petition, in the interest of justice."



8. Respondent No.2 is a Trust and respondents No.3 and 4 are the Trustees of the aforementioned Trust and they are no more. It is submitted that respondent No.2 - Trust has duly authorized the existing Trustees to enter into settlement.

9. The learned counsel appearing for respondent No.2 submits that all the Trustees of respondent No.2-Trust have sworn to an affidavit, which are by and large similar to the terms and conditions agreed upon between the parties which are recorded in the application under Order XXIII Rule 3 of the Code of Civil Procedure which is presented today. The copy of affidavit said to have been sworn by eight Trustees of respondent No.2 is taken on record.

10. It is submitted by the learned counsel appearing for respondent No.2 that, original affidavit is handed over to the appellant and learned counsel of the appellant acknowledges the receipt of the original affidavit.

11. The present appeal is arising from the Judgment and Decree in O.S.No.1461/2008 on the file of LII Additional City Civil Court, Bengaluru. The plaintiff's suit for declaration



and mandatory injunction is dismissed. Hence, the plaintiff is before this Court.

12. From the contentions raised before the Trial Court, it is noticed that the suit is filed on the premise that respondent No.2 -Trust which has put-up a structure in the suit property is using the ground floor, contrary to the terms and conditions of the approved and sanctioned building plan. In this behalf, the plaintiff sought certain declaration and consequential relief for mandatory injunction.

13. In terms of the settlement entered into between the appellant/plaintiff and respondent No.2, it appears that respondent No.2 has undertaken not to cause nuisance to the plaintiff and in this behalf, the plaintiff does not seek to press the relief based on certain assurances and promises.

14. Accordingly, the suit is dismissed based on settlement. However, this order/judgment based on settlement between the plaintiff and defendant No. 2 Trust should not be construed as having held that respondent No.2 is permitted to use the ground floor of premises for any purpose other than sanctioned in the plan approved by 1st respondent BBMP.



15. In case of any violation of the building plan, the right of respondent No.1-BBMP to take any action as advised in law is not diluted or taken away.

16. This Order should not be construed as having held that respondent No.1 is restrained from proceeding against the respondent No.2 in accordance with law.

17. It is also noticed that appellants are present before the Court and three trustees namely Prakash Chand, Ashok Pare, Praveen Kumar Chowhan are present before the Court.

18. With these observations, the appeal is ***disposed of and the impugned judgment and decree are modified to the above said extent.***

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**

GVP
List No.: 2 Sl No.: 17
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