



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S. INDIRESH

REGULAR SECOND APPEAL NO. 1274 OF 2015 (PAR)

BETWEEN:

1. MR. KORAGA SHETTY
S/O VENKAPPA SHETTY,
AGED ABOUT 77 YEARS,
R/AT KALPANA NIVAS,
ROOM NO.24, SAKI NAKA,
KURLA,
MUMBAI - 400 072.
2. SMT. SAROJINI
W/O JAYARAMA SHETTY,
AGED ABOUT 75 YEARS,
R/AT PADUMATA HOUSE,
HOSABETTU VILLAGE,
MANGALURU - 574 227.
3. CHANDAYYA SHETTY
S/O VENKAPPA SHETTY,
AGED ABOUT 73 YEARS,
R/AT PANCHA RATHNA HOUSE,
SURATHKAL POST,
MANGALURU CITY - 575 014.
4. SMT. KAMALA
D/O VENKAPPA SHETTY,
AGED ABOUT 71 YEARS,
R/AT PALEMAR HOUSE,
IDDYA,SURATHKAL POST,
MANGALURU CITY - 575 014.
5. SMT. BHAVANI
W/O RAGHURAMA BALLAL,





AGED ABOUT 69 YEARS,
GENERAL MERCHANT,
ADYAR VILLAGE AND POST,
MANGALURU TALUK - 575 007.

6. CHANDRAHASA SHETTY
S/O LATE VENKAPPA SHETTY
AGED ABOUT 65 YEARS,
R/AT GIRIRATHNA NIVAS,
KUNJARUGIRI POST, VIA KATPADY,
UDUPI TALUK - 574 105.
7. SHASHINDRA SHETTY
S/O JAYARAMA SHETTY
AGED ABOUT 55 YEARS,
R/AT C-10 FLAT NO.8,
INDRAPURI,
NEW DELHI - 110 012.
8. SMT. UMAVATHI G. SHETTY
D/O SAROJINI,
AGED ABOUT 48 YEARS,
R/AT FLAT 214, C-WING,
2ND FLOOR, DOWN APARTMENTS,
VASAI-EAST,
THANE - 401 202.
9. SMT. NANDINI S. SHETTY
D/O SAROJINI,
AGED ABOUT 51 YEARS,
R/AT 114B, BUILDING,
ASWANI NAGAR,
DIWAN-MAN, VASI WEST,
THANE - 401 202.
10. VASANTHA SHETTY
S/O JAYARAMA SHETTY
AGED ABOUT 49 YEARS,
R/AT B-4 (404), KADAMBA,
VASANTHA VIHAR,
POKRAN ROAD,
THANE - 402 601.



11. DINESH SHETTY
S/O JAYARAMA SHETTY,
AGED ABOUT 47 YEARS,
R/AT FLAT NO.214, C-WING,
2ND FLOOR, DOWN APARTMENT,
VASAI EAST,
THANE - 401 202.
12. SMT. JAYANTHI S. SHETTY
D/O KAMALA,
AGED ABOUT 48 YEARS,
R/AT SRI DEVIKRIPA NILAYA,
MUGURODI, SHAKTHINAGAR,
MANGALURU - 575 016.
13. SMT. HEMALATHA SHETTY
D/O KAMALA,
AGED ABOUT 46 YEARS,
R/AT HOTEL PREETHAM,
DHAMKDI NAKA,
STATE BANK, KOLAD ROA,
RAIGAD TALUK,
POST ROHA - 402 109.
14. SMT. PREMALATH
D/O SMT. KAMALA,
AGED ABOUT 35 YEARS,
R/AT MANDAGACHAWL,
GARTON PADA-1,
SUHASINI PAVASKAR ROAD,
DHAHIDAR EAST,
BOMBAY - 400 068.
15. SMT. CHITRALATH
D/O KAMALA,
AGED ABOUT 42 YEARS,
R/AT PALEMARU HOUSE,
IDDYA VILLAGE,
SURATKAL POST,
MANGALURU - 575 014.



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16. HARISH SHETTY
S/O KAMALA,
AGED ABOUT 40 YEARS,
R/AT PALEMARU HOUSE,
IDDYA VILLAGE,
SURATKAL POST,
MANGALURU - 575 014.
17. KUM. BHARATHI
D/O KAMALA,
AGED ABOUT 38 YEAR,S
R/AT PALEMARU HOUSE,
IDDYA VILLAGE,
SURATKAL POST,
MANGALURU - 575 014.
18. PUSHPARAJ SHETTY
S/O LATE BHAVANI
AGED ABOUT 44 YEARS,
R/AT NO.114B, 'B' BUILDING,
ASWANI NAGAR, DIWAN-MAN,
VASAI WEST,
THANE - 401 202.
19. KUM. NITHA
D/O BHAVANI
AGED ABOUT 42 YEARS,
R/AT ADYAR VILLAGE & POST,
MANGALURU TALUK - 575 007.
20. KISHORE SHETTY
S/O BHAVANI,
AGED ABOUT 39 YEARS,
R/AT ADYAR VILLAGE & POST,
MANGALURU TALUK - 575 007.
21. SACHIN SHETTY
S/O LATE SUSHEELA,
AGED ABOUT 38 YEARS,
R/AT BLOCK 'C', ROOM NO.48,
DHAKA PARK ROAD,
NATAVAR NAGAR,



ROAD NO.1, JOGESHWARI EAST,
BOMBAY - 400 060.

22. RAKESH SHETTY
S/O SMT. UMAVATHI
AGED ABOUT 31 YEARS,
R/AT FLAT NO.214, C-WING,
2ND FLOOR, DOWN APARTMENT,
VASAI EAST,
THANE - 401 202.
23. ROHAN SHETTY
S/O UMAVATHI,
AGED ABOUT 28 YEARS
R/AT NO.214, C-WINGA,
II FLOOR, DOWN APARTMENT,
VASAI EAST,
THANE - 401 202.
24. SUBODH SHETTY
S/O NANDINI,
AGED ABOUT 27 YEARS,
R/AT 114B BUILDING,
ASWANI NAGAR,
DIWAN-MAN, VASAI WEST,
THANE - 401 202.
25. VIKRAM SHETTY
S/O NANDINI,
AGED ABOUT 25 YEARS
R/AT 114B BUILDING,
ASWANI NAGAR,
DIWAN-MAN, VASAI WEST,
THANE - 401 202.
26. RAKSHITH SHETTY
S/O JAYANTHI,
AGED ABOUT 25 YEARS
R/AT SRI DEVIKRIPA NILAYA
MUGURODI, SHAKTHINAGAR
MANGALURU - 575 016.



27. BABITH SHETTY
S/O JAYANTHI,
AGED ABOUT 24 YEARS,
R/AT SRI DEVIKRIPA NILAYA
MUGURODI, SHAKTHINAGAR
MANGALURU - 575 016.
28. KUM. RACHANA
D/O HEMALATHA,
AGED ABOUT 20 YEARS,
R/AT HOTEL PREETHAM,
DHAMKDI NAKA,
STATE BANK, KOLAD ROAD,
RAIGAD TALUK,
POST: ROHA - 402 109.
29. KUM. USHA
D/O LATE SUSHEELA,
AGED ABOUT 32 YEARS,
R/AT BLOCK 'C', ROOM NO.48,
DHAKA PARK ROAD,
NATAVAR NAGAR, ROAD NO.1,
JOGESHWARI EAST,
BOMBAY - 400 060.
30. GAUTAM
S/O HEMALATHA,
AGED ABOUT 20 YEARS,
R/AT HOTEL PREETHAM,
DHAMKDI NAKA,
STATE BANK, KOLAD ROAD,
RAIGAD TALUK,
POST: ROHA - 402 109.
- RESPONDENTS 1 TO 6 AND 8 TO 30 ARE
REP. BY G.P.A HOLDAR,
SRI. SHASHINDRA SHETTY
(RESPONDENT NO.7).

...APPELLANTS

(BY SRI. UNNIKRISHNAN M.,ADVOCATE)



AND:

1. BHASKARA SHETTY
S/O LATE LINGAPPA SHETTY,
AGED ABOUT 57 YEARS,
R/AT SAI SWAD SNACK,
RATHMANI CO.OP. HOUSING SOCIEITY LTD.,
SHOP NO.5, DADI PATIL WAD,
NEAR PLATFORM NO.1,
CENTRAL RAILWAY, THANE WEST,
MUMBAI - 400 602.
2. SMT. SARVANI
D/O LINGAPPA SHETTY,
AGED ABOUT 57 YEARS,
R/AT KATLA BIDU HOUSE,
IDDYA VILLAGE,
SURATKAL POST,
MANGALURU - 575 014.
3. SMT. PUSHPA
D/O LATE LINGAPPA SHETTY,
AGED ABOUT 56 YEARS,
R/AT GAJANANA ESTATE (PIPE LINE),
CHAL NO.3, ROOM NO.3,
SAKI NAKA, ANDHERI-KURLA ROAD,
MUMBAI - 400 072.
4. LOLAKSHI
D/O LATE LINGAPPA SHETTY,
AGED ABOUT 51 YEARS,
R/AT GOURI NIVAS,
OPP: NATIONAL RESTAURANT,
FIRST FLOOR,
MUMBAI-PUNE ROAD,
KALWA,
THANE - 400 060.
5. HARISH SHETTY
S/O LATE LINGAPPA SHETTY
AGED ABOUT 49 YEARS,
R/AT KATLA BIDU HOUSE,



IDDYA VILLAGE, SURATKAL POST,
MANGALURU - 575 014.

6. SHEKAR SHETTY
S/O LATE LINGAPPA SHETTY,
AGED ABOUT 46 YEARS,
R/AT SAI SWAD SNACK,
RATHMANI CO.OP HOUSING SOCIETY LTD.,
SHOP NO.5, DADI PATIL WAD,
NEAR PLATFORM NO.1,
CENTRAL RAILWAY, THANE WEST,
MUMBAI - 400 602.
7. KISHORE KUMAR SHETTY
S/O LATE LINGAPPA SHETTY,
AGED ABOUT 48 YEARS,
R/AT KATLA BIDU HOUSE,
IDDYA, SURATKAL POST,
MANGALURU - 575 014.
8. SMT. GANGA ALIAS SUNDARI
W/O DEVU BHANDARY,
AGED ABOUT 75 YEARS,
R/AT AGARI HOUSE,
KOLAVOOR VILLAGE,
KUPPEPADAVU POST,
MANGALURU TALUK - 574 162.
9. SMT. MAMATHA
W/O YADAVA SHETTY,
AGED ABOUT 54 YEARS,
R/AT AGARI HOUSE,
KOLAVOOR VILLAGE,
KUPPEPADAVU POST,
MANGALURU TALUK - 574 162.
10. SMT. RAJIVI
W/O SHEKARA SHETTY,
AGED ABOUT 52 YEARS,
R/AT KUTHRODI HOUSE,
KUKKUDAKATTE POST,
BANTWAL TALUK - 574 162.



11. SMT. VASANTHI
W/O NARAYANA SHETTY,
AGED ABOUT 50 YEARS,
R/AT AGARI HOUSE,
KOLAVOOR VILLAGE,
KUPPEPADAVU POST,
MANGALURU TALUK - 574 162.
12. NARAYANA BHANDARY
S/O DEVU BHANDARY
AGED ABOUT 48 YEARS,
R/AT AGARI HOUSE,
KOLAVOOR VILLAGE,
KUPPEPADAVU POST,
MANGALORE TALUK - 574 162.
13. MS. SHARADA
D/O GANGA ALIAS SUNDARI,
AGED ABOUT 54 YEARS,
R/AT AGARI HOUSE,
KOLAVOOR VILLAGE,
KUPPEPADAVU POST,
MANGALURU TALUK - 574 162.
14. MS. GULABI
D/O GANGA ALIAS SUNDARI,
AGED ABOUT 44 YEARS,
R/AT AGARI HOUSE,
KOLAVOOR VILLAGE,
KUPPEPADAVU POST,
MANGALURU TALUK - 574 162.
15. MS. BHAVANI
D/O GANGA ALIAS SUNDARI,
AGED ABOUT 42 YEARS,
R/AT AGARI HOUSE,
KOLAVOOR VILLAGE,
KUPPEPADAVU POST,
MANGALURU TALUK - 574 162.



16. KRISHNA BHANDARY
S/O DEVU BHANDARY,
AGED ABOUT 41 YEARS,
R/AT AGARI HOUSE,
KOLAVOOR VILLAGE,
KUPPEPADAVU POST,
MANGALURU TALUK - 574 162.
17. VENKAPPA BHANDARY
S/O DEVU BHANDARY,
AGED ABOUT 38 YEARS,
R/AT AGARI HOUSE,
KOLAVOOR VILLAGE,
KUPPEPADAVU POST,
MANGALURU TALUK - 574 162.
18. PUSHPARAJ SHETTY
S/O MAMATHA,
AGED ABOUT 39 YEARS,
R/T AGARI HOUSE,
KOLAVOOR VILLAGE,
KUPPEPADAVU POST,
MANGALURU TALUK - 574 162.
19. MS. POORNIMA
D/O MAMATHA,
AGED ABOUT 37 YEARS,
R/AT AGARI HOUSE,
KOLAVOOR VILLAGE,
KUPPEPADAVU POST,
MANGALURU TALUK - 574 162.
20. MS. POOJA
D/O MAMATHA,
AGED ABOUT 37 YEARS,
R/AT AGARI HOUSE,
KOLAVOOR VILLAGE,
KUPPEPADAVU POST,
MANGALURU TALUK - 574 162.
21. CHANDRASHEKARA
S/O RAJIVI,



AGED ABOUT 38 YEARS,
R/AT KUTHRODI HOUSE,
KUKKUDAKATTE POST,
BANTWAL TALUK - 574 153.

22. CHANDRIKA
D/O RAJIVI,
AGED ABOUT 33 YEARS,
R/AT KUTHRODI HOUSE,
KUKKUDAKATTE POST,
BANTWAL TALUK - 574 153.
23. DEEPIKA
D/O VASANTHI,
AGED ABOUT 30 YEARS,
R/AT AGARI HOUSE,
KOLAVOOR VILLAGE,
KUPPEPADAVU POST,
MANGALURU TALUK - 574 162.
24. DEVARAJA SHETTY
S/O DOOMANNA SHETTY,
AGED ABOUT 44 YEARS,
R/AT BLDG. NO.19-10-9, MHB COLONY
KHER NAGAR, BANDRA EAST,
MUMBAI - 400 051.
25. VISHWANATHA SHETTY
S/O DOOMANNA SHETTY,
AGED ABOUT 47 YEARS,
R/AT MALLAMAR HOUSE,
MUKKA POST,
MANGALURU TALUK - 574 146.
26. CHANDRASHEKARA SHETTY
S/O DOOMANNA SHETTY,
AGED ABOUT 45 YEARS,
R/AT MALLAMAR HOUSE,
MUKKA POST,
MANGALURU TALUK - 574 146.



27. JAGADISHA SHETTY
S/O DOOMANNA SHETTY,
AGED ABOUT 43 YEARS,
R/AT MALLAMAR HOUSE,
MUKKA POST,
MANGALURU TALUK - 574 146.

28. MS. MOHINI
S/O DOOMANNA SHETTY.
AGED ABOUT 41 YEARS
R/AT MALLAMAR HOUSE,
MUKKA POST,
MANGALURU TALUK - 574 146.

...RESPONDENTS

(BY SRI. YASHODHAR SHETTY, ADVOCATE FOR
SRI. NATARAJA BALLAL, ADVOCATE FOR R1 TO R3
AND R5 TO R7;
R8, R12, R13, R17, R24, R25 - SERVED AND
UNREPRESENTED)

THIS REGULAR SECOND APPEAL IS FILED UNDER
SECTION 100 OF THE CODE OF CIVIL PROCEDURE AGAINST
THE JUDGMENT AND DECREE DATED 02ND MAY, 2015 PASSED
IN REGULAR APPEAL NO.163 OF 2010 ON THE FILE OF THE II
ADDITIONAL DISTRICT AND SESSIONS JUDGE, DAKSHINA
KANNADA, MANGALURU, DISMISSING THE APPEAL AND
CONFIRMING THE JUDGMENT AND DECREE DATED 23RD
OCTOBER, 2010 PASSED IN ORIGINAL SUIT NO.263 OF 1996
ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND
C.J.M., MANGALURU.

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

CORAM: HON'BLE MR. JUSTICE E.S. INDIRESH



ORAL JUDGMENT

This appeal is preferred by plaintiffs challenging the judgment and decree dated 02nd May, 2015 passed in Regular Appeal No.163 of 2010 on the file of the II Additional District and Sessions Judge, Dakshina Kannada, Mangaluru, dismissing the appeal and confirming the judgment and decree dated 23rd October, 2010 passed in Original Suit No.263 of 1996 on the file of the I Additional Senior Civil Judge and CJM., Mangaluru, wherein the suit of the plaintiffs came to be dismissed.

2. This Court, by order dated 12th November, 2025, directed the parties to appear before the Mediation Centre, Mangaluru for mediation.

3. Learned counsel appearing for the parties submitted that the dispute between the parties was settled in terms of Memorandum of Agreement before the Mediation Centre, Dakshina Kannada, Mangaluru.

4. The Member Secretary, District Legal Services Authority, Dakshina Kannada, Mangaluru, addressed a letter along with Form-3 and Memorandum of Agreement entered into between the parties stating that the parties reached amicable



settlement as per the Memorandum of Agreement signed by the parties.

5. In that view of the matter, recording the submission made by learned counsel appearing for the parties, Regular Second Appeal is ***disposed of*** in terms of Memorandum of Agreement entered into between the parties.

6. Registry is directed to draw the decree in terms of Memorandum of Agreement entered into between the parties.

**SD/-
(E.S. INDIRESH)
JUDGE**

ARK
List No.: 1 Sl No.: 4