



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 26TH DAY OF FEBRUARY, 2026
PRESENT
THE HON'BLE MR. JUSTICE D K SINGH
AND
THE HON'BLE MR. JUSTICE S RACHAIAH
REGULAR FIRST APPEAL NO. 1709 OF 2015 (MON)

BETWEEN:

1. M/S SKL HOTELS PVT LTD
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT HAVING ITS
REGISTERED OFFICE AT
NO.270,
36TH 'A' CROSS
7TH BLOCK,
JAYANAGAR
BANGALORE – 560 080.
REPRESENTED BY ITS DIRECTOR
MR. S. KANAIYALAL
2. SRI. S. KANAIYALAL
AGED ABOUT 56 YEARS
S/O LATE SUGUNAMAL PAMAN
RESIDING AT NO.270
36TH 'A' CROSS,
7TH BLOCK,
JAYANAGAR
BANGALORE – 560 082.

...APPELLANTS

(BY SRI. A SAMPATH, ADVOCATE)





AND:

1. M/S GINA ENGINEERING COMPANY
PVT. LTD.,
HAVING IS REGISTERED OFFICE AT
NO.330, DOUBLE ROAD
1ST STAGE,
INDIRANAGAR
BANGALORE – 560 038.
REPRESENTED BY ITS DIRECTOR
MR. SUGESH KUMAR

2. MR. S R RAMESH
S/O SUGUNAMAL PAMAN
AGED ABOUT 61 YEARS
RESIDING AT NO.697
42ND CROSS,
3RD BLOCK
RAJAJINAGAR
BANGALORE – 560 010.

...RESPONDENTS

(BY SRI. T P VIVEKANANDA, ADVOCATE FOR R1;
R2 IS SERVED AND UNREPRESENTED)

THIS RFA IS FILED UNDER SEC.96 OF CPC., AGAINST
THE JUDGMENT AND DECREE DATED 19.06.2015 PASSED IN
O.S NO.5346/2013 ON THE FILE OF THE VII ADDITIONAL CITY
CIVIL AND SESSIONS JUDGE, BENGALURU (CCH NO.19), AND
ETC.,

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

1. The present appeal has been filed by the appellants / defendant Nos.1 and 2, impugning the judgment and decree dated 19.06.2015 passed by the learned VII Additional City Civil and Sessions Judge, Bengaluru in O.S.No.5346/2013 instituted by the respondent No.1/ plaintiff.

2. The suit filed by the respondent No.1/ plaintiff came to decreed.

3. During the pendency of this appeal, the parties have settled their disputes outside the Court. The parties are present before the Court and are identified by their respective counsels. They have stated before the Court that they have reached a compromise and have affixed their signatures.

4. The terms of compromise as mentioned in application under Order 23 Rule 3 of the Code of Civil Procedure read as under:-

**"APPLICATION UNDER ORDER 23 RULE 3 OF CODE OF
CIVIL PROCEDURE**

*The parties to the above appeal most humbly submit
as follows:*



1. Respondent No.1 filed a suit in O.S.No.5346/2013 against the Appellants and Respondent No.2, for recovery of Rs.1,11,87,078/-(One Crore Eleven Lakhs Eighty Seven Thousand Seventy Eight Rupees) along with 18% interest p.a. The suit filed by Respondent No.1 came to be decreed in terms of Judgement and Decree dated 19.06.2015. The Appellants have filed this appeal being aggrieved by the Judgement and Decree passed in O.S.No.5346/2013.

2. Appellant No.2, Mr. S Kannayalal, has deposited a sum of Rs.59,00,000/- (Fifty Nine Lakhs) in compliance with the order of this Hon'ble Court on 22.06.2016. The said amount is already released in favour of Respondent No.1.

3. At the instance of the well-wishers and friends, Appellant No.2 and Respondent No.1 have amicably settled the dispute.

4. The Respondent No.1 has agreed to receive a further sum of Rs.20,00,000/- (Twenty Lakhs) as full and final settlement of all its claims in terms of the Decree passed in O.S.No.5346/2013 and Appellant No.2 has agreed to pay the said sum in the manner detailed below. With this, Respondent No.1 will get totally Rs.79,00,000/- (Rupees Seventy Nine Lakhs) in full and final settlement of all its claim in terms of the Decree passed in O.S.No.5346/2013.

5. Appellant No.2 has handed over 2 (two) post-dated cheques as detailed below:



A) Cheque No.086411 dated 15.04.2026 drawn on the ICICI Bank, Jayanagar 7th Block Branch for an amount of Rs.10,00,000/- (Rupees Ten Lakhs Only).

B) Cheque No.086412 dated 30.04.2026 drawn on the ICICI Bank, Jayanagar 7th Block Branch for an amount of Rs.10,00,000/- (Rupees Ten Lakhs Only).

6. Appellant No.2 undertakes to honour the above detailed cheques without fail. In the event the above referred cheques are dishonoured, then the Respondent will be entitled to recover the entire suit claim as per the Decree.

7. In view of the settlement arrived as detailed above and upon recipe of Rs.20,00,000 (Rupees Twenty Lakhs), in the manner detailed above the entire claim of Respondent No.1 arising out of Judgement and Decree in O.S.No.5346/2013 shall be fully and finally satisfied.

8. In view of the fact that the entire amount of Rs.59,00,000/-(Rupees Fifty Nine Lakhs) and Rs.20,00,000 (Rupees Twenty Lakhs) totally Rs.79,00,000/- (Rupees Seventy Nine Lakhs), having been paid by the 2nd Appellant to Respondent No.1, Appellant No.2 humbly prays that this Hon'ble Court may be pleased to order for refund of the entire court fee to Appellant No.2.



WHEREFORE, the parties most humbly pray that this Hon'ble Court maybe pleased to dispose this appeal in terms of the compromise, so as to meet the ends of justice and equity."

5. The appellants have assured the Court that none of the cheques handed over to the respondents would get bounced and each and every cheque would be honoured.

6. We make it clear that if any cheque gets bounced and not honoured, the appellants will face the criminal contempt in this case.

7. In view of the settlement arrived between the parties, we dispose of the appeal. Let the decree be drawn in terms of the compromise.

Pending applications, if any, do not survive for consideration and the same are disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(S RACHAIAH)
JUDGE**