



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

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

REGULAR SECOND APPEAL NO. 1332 OF 2012 (PAR-)

BETWEEN:

1. SMT N P VISHALAKSAMMA
D/O LATE B.M.THIPPESWAMY
SINCE DECEASED BY LR's.
- 1(a). SRI. N.P. THIPPERUDRASWAMY,
S/O N.P. VISHWESHWARAIAH,
AGED ABOUT 54 YEARS,
OCC: AUDITOR TAX CONSULTANT,
R/AT NEAR KSFC,
BEHIND TRAVELERS BUNGALOW,
CHITRADURGA – 577 501
- 1(b). SRI. N. P. GAJENDRA KUMAR,
S/O N.P. VISHWESHWARAIAH,
AGED 50 YEARS,
OCC.: SENIOR ACCOUNTANT,
R/AT BAGADADEHAN HALLI,
CHANDAPURA, ANEKAL ROAD,
BENGALURU – 562 106.

APPELLANTS

(BY SRI. B. PRAMOD, ADVOCATE)

AND:

1. UMAPATHI
S/O LATE M.R.THIPPESWAMY
AGED ABOUT 38 YEARS
2. NAGARAJA
S/O LATE M.R.THIPPESWAMY
AGED ABOUT 35 YEARS,



BOTH RESPONDENTS NO.1 & 2 ARE
AGRICULTURIST
R/O NAYAKANAHATTI VILLAGE,
CHALLAKERE TALUK,
CHITRADURGA DISTRICT – 577 522

3. M.RUDRAMUNIYAPPA
S/O MANGAPOTI SIDDAIAH
SINCE DEAD BY HIS LEGAL REPRESENTATIVES

3(a). M.R.KALAVATHI
W/O LATE M. RAJASHEKARAI AH
AGED ABOUT 67 YEARS,
R/O HOLAMATA TALUK,
NAYAKANAHATTI VILLAGE,
CHALLAKERE TALUK,
CHITRADURGA DISTRICT – 577 522

3(b). M.R. VATSALA,
W/O GURUMURTHY,
(LECTURER IN CHEMISTRY)
AGED ABOUT 63 YEARS,
R/O. JCR EXTENSION,
7TH CROSS, CHITRADURGA TOWN,
PIN – 577 501
SINCE DEAD
BY LEAGA REPRESENTATIVES,

(b)(a) GURUMURTHY
AGE 60 YEARS,
S/O NOT KNOWN,
RETIRED PROFESSION

(b)(b) SUNIL,
S/O GURUMURTHY,
AGED ABOUT 32 YEARS,

(b)(c) ASHWIN,
S/O GURUMURTHY,
AGED ABOUT 24 YEARS

RESPONDENT NO.3(b)(a) TO 3(b)(c) ARE
R/O JCR EXTENSION, 7TH CROSS,
CHITRADURGA TOWN – 577 501.



- 3(c) M.R. VIJAYA,
W/O BASAVARAJA
AGED ABOUT 56 YEARS,
R/AT NITTAVALLI,
4TH CROSS,
DAVANAGERE TOWN – 577 001
- 3(d) M.R. VAJRESHWARI,
D/O LATE M. RUDRAMUNIYAPPA
AGED ABOUT 54 YEARS,
R/O OLAMATADARASTE,
NAYAKANAHATTI VILLAGE,
CHALLAKERE TALUK,
PIN – 577 522
- 3(e) M.R.MALINI
AGED ABOUT 50EARS
W/O N.M.MANJUNATHAIAH
R/O VIDYANAGAR
CHITRADURGA – 577 501
- 4 SHIVAPRAKASH
AGED ABOUT 67YEARS
S/O LATE RUDRAMUNIYAPPA
5. SRI PRABHUDEVA
AGED ABOUT 60 YEARS
S/O LATE RUDRAMUNIYAPPA
6. SRI PRASANNA KUMAR
AGED ABOUT 58 YEARS
S/O LATE RUDRAMUNIYAPPA
7. SMT. M.B.VISHALAKSHI
AGED ABOUT 62 YEARS
W/O SHIVAPRAKASH
8. SMT M.S.AMBIKA
AGED ABOUT 26 YEARS
D/O M.R.SHIVAPRAKASH
9. SMT. M.S.ASHARANI
AGED ABOUT 24 YEARS
D/O M.R.SHIVAPRAKASH



10. SRI M.S.ANILKUMAR
S/O M.R.SHIVAPRAKASH
AGED ABOUT 18 YEARS

RESPONDENT NO.4 TO 10 ARE
RESIDENTS OF NAYAKANAHATTI VILLAGE,
CHALLAKERE TALUK,
CHITRADURGA DISTRICT – 577 522

...RESPONDENTS

(BY SRI. R. V. JAYAPRAKASH, ADVOCATE FOR C/R1 & R2;
SRI. H.R. SREEDHARA, ADVOCATE FOR R3 (A, C & E), R5 & R6;
R3(D), R3(B)(B), R7, R10 ARE SERVED;
VIDE ORDER DATED 27.07.2023 APPEAL AGAINST R3(B)(A)
AND R4 IS ABATED;
VIDE ORDER DATED 27.07.2023 SERVICE OF NOTICE ON R9
IS HELD SUFFICIENT)

THIS RSA IS FILED UNDER SEC.100 OF CPC., AGAINST THE
JUDGMENT AND DECREE DATED 26.03.2012 PASSED IN
R.A.NO.51/2010 ON THE FILE OF THE ADDL. SESSIONS JUDGE,
FAST TRACK COURT, CHITRADURGA, ALLOWING THE APPEAL
AND SETTING ASIDE THE JUDGMENT AND DECREE DATED
22.04.2010 PASSED IN O.S.NO.65/2005 ON THE FILE OF THE CIVIL
JUDGE (SR.DN) CHALLAKERE. TRIAL COURT DISMISSED THE SUIT,
APPELLATE COURT ALLOWED THE APPEAL. THE SUIT FOR
PARTITION AND SEPARATE POSSESSION AND MESNE PROFITS.

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

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

ORAL JUDGMENT

This appeal, by the respondent No.9 in R.A.No.51/2010, is
directed against the impugned judgment and decree dated
26.03.2012 on the file of the Additional Sessions Judge (Fast Track
Court), Chitradurga wherein the appellate Court has set aside the



judgment and decree dated 22.04.2010 passed in O.S.No.65/2005 on the file of Civil Judge (Sr.Dn), Challakere.

2. The parties have amicably settled the dispute by way of Memorandum of Compromise Petition, which reads as under:

**“Memorandum of Compromise Petition filed under Order
23 Rule 1 read with Section 151 of the Civil Procedure
Code**

The appellant and Respondent Nos. 1 and 2 herein respectfully submit as follows:

1) *The Respondent Nos. 1 and 2 (hereinafter referred to as the Plaintiffs) instituted Suit No. 65/2005 before the Trial Court seeking partition and separate possession of the properties enumerated in the Schedule to the suit. The said suit was dismissed. Subsequently, Respondent Nos. 1 and 2 preferred Appeal No. 51/2010 before the Appellate Court, which was allowed, and the judgment and decree passed by the Trial Court was set aside. The present appeal has been preferred by the appellant (original Defendant No. 10) against the said appellate court order. The present appeal pertains solely to Item No. 9 of the Schedule Properties in the Original Suit; the appellant does not claim any interest in the other items.*

2) *That N.P Vishalakshamma had purchased the Item No.9 of the Suit Schedule Property by a sale Deed dt 2.3.2002 executed by M.R.Shivaprakash and ors registered as Document No.3202 Book I -991 dt 13.3.2002 registered in*



the Office of Sub Registrar, Challakere. That N.P. Vishalakshamma executed a duly registered Gift Deed dated 3rd May 2010 in favor of Sri N.P. Thipperudraswamy and Sri N.P. Gajendra Kumar. The revenue records have been duly mutated in their names, and they are presently in possession and enjoyment of Item No. 9 of the suit Schedule Property.

3) That during the pendency of the present appeal, the appellant-N.P. Vishalakshamma expired, and the present appellant/s sons namely Sri N.P. Thipperudraswamy, and Sri N.P. Gajendra Kumar have been substituted/come on record.

4) That through the intervention of well-wishers, elders, and friends, the parties have amicably agreed to settle the matter concerning Item No. 9 of the Schedule Properties in the original suit. The terms of settlement are as follows:

5) The Respondent Nos. 1 and 2 herein have released and relinquished their right and interest over Item No.9 Suit Schedule Property in favour of the appellant, Sri N.P. Thipperudraswamy, and Sri N.P. Gajendra Kumar. They further confirm that they have no right, title, interest, or claim whatsoever in respect of Item No. 9, and have received a sum of ₹15,00,000 (Fifteen Lakh Rupees) by way of DD of Rs.7,50,000/- each to the respondent No.1 (DD bearing No.003929 dated 23.2.2026) and 2 (DD bearing No.003934 dt 25.2.2026) as full and final settlement of all claims relating thereto which is been handed over.

6) The Respondent Nos. 1 and 2 acknowledge and confirm that the appellant, Sri N.P. Thipperudraswamy, and



Sri N.P. Gajendra Kumar, are at liberty to deal with Item No. 9 of the Schedule Property as per their own will and discretion. In the event of necessity, Respondent Nos. 1 and 2 shall execute any further documents or instruments at the cost of the appellant/s.

7) The parties to this Memorandum of Compromise affirm that this settlement has been entered into voluntarily and without any coercion, undue influence, or duress, and that there are no disputes or questions of law or fact remaining in respect of the subject matter herein.

PRAYER

Wherefore, it is humbly prayed that this Hon'ble Court may be pleased to accept the present compromise petition and decree the appeal in terms of compromise in respect of Item No.9 of the suit schedule property, in interest of justice and equity.

Item No.9

All that piece and parcel of land bearing Sy No. 5 total measuring one acre one gunta (including kharab 2 guntas) which is situated at Nayakanahatty Village in Challakere Taluk which is bounded by:-

East by: Re.Sy No.4

West by: Gramatana

North by: Jagalur- Challakere Road/ Gramatana,

South by: Sy No.6/Chikkakere Canal



***Note:** The boundary description to the west has been erroneously mentioned as Re. Sy. No. 6; the correct description is Gramatana."*

3. Appellant and Respondent Nos.1 and 2 have filed Memorandum of Compromise Petition before this Court under Order XXIII Rule 1 read with Section 151 of CPC. The appellant- and respondent Nos.1 and 2 have agreed to the terms and conditions of the settlement.

4. The appellant and respondent Nos.1 and 2 – are physically present and have been identified by their respective counsel.

5. Learned counsel for the appellant has handed over two Demand Drafts bearing Nos.003929 and 003934 dated 25.02.2026 for a sum of Rs.7,50,000/- each, one in favour of Sri.Umapathi and other in favour of Sri.Nagaraj S, which is acknowledged by learned counsel for the respondent towards the compromise.

6. In view of the aforesaid settlement arrived at between the parties, the appeal stands disposed of in terms of the Memorandum of Compromise Petition.



7. In view of the above, I pass the following:

ORDER

- (i) The appeal is hereby disposed of in terms of the Memorandum of Compromise Petition under Order XXIII Rule 1 read with Section 151 of CPC.
- (ii) The Registry of this Court is directed to refund the entire Court Fee paid on the memorandum of appeal back to the appellant.
- (iii) The Registry of the Trial Court is directed to refund the entire Court Fee paid on the memorandum of plaint back to the plaintiff.

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