



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

REGULAR SECOND APPEAL NO.100332 OF 2024
(DEC/INJ)

BETWEEN:

SHRI BABU DEVENDRA UPADHYE,
SINCE DECEASED BY HIS LRS.

1. SHRI MANIKCHAND S/O. BABU UPADHYE,
AGE: 65 YEARS, OCC: AGRICULTURE,
R/O. UGAR B.K., ATHANI-591316,
TQ. ATHANI, DIST. BELAGAVI.
2. SMT. VIJAYAMALA W/O. VIJAYKUMAR UPADHYE,
SINCE DECEASED BY HIS LRS.

NOTE: THE APPELLANT NO.2 HAS DIED
AND THE LEGAL REPRESENTATIVE I.E,
APPELLANT NO.6(A) AND (B) WHO
HAVE BEEN BROUGHT ON RECORD ARE
THE LR'S OF APPLANT NO.2

3. SMT. AANANDI W/O. BHAHUBALI UPADHYE,
AGE: 58 YEARS,
OCC: HOUSEHOLD WORK & AGRICULTURE,
R/O. JAINGAPUR, SHIROL-416101,
TQ: SHIROL, DIST: SANGLI,
STATE: MAHARASHTRA.
4. SMT. KANCHAN W/O. AJIT UPADHYE,
AGE: 55 YEARS,





OCC: HOUSEHOLD WORK AND AGRICULTURE,
R/O. BAVACHI WATHAR, HATAKANAGALI,
TQ: HATAKANAGALI, DIST: KOLHAPUR,
STATE: MAHARASHTRA.

5. SMT. BHAHUBALI S/O. BABU UPADHYE,
AGE: 51 YEARS, OCC: AGRICULTURE,
R/O UGAR B.K., ATHANI-591316,
TQ. ATHANI, DIST: BELAGAVI.
6. SHRI VIJAYKUMAR S/O. DHANAPAL UPADHYE,
SINCE DECEASED BY HIS LRS.
- 6A. AMOL VIJAYKUMAR UPADHYE,
AGE: 44 YEARS, OCC: AGRICULTURE,
R/O.#228, KARMAVEER COLONY RUKADI,
HALKANANGALE, KOLHAPUR-416118,
TQ. AND DIST. KOLHAPUR.
- 6B. ABHIJET VIJAYKUMAR UPADHYE,
AGE: 34 YEARS, OCC: AGRICULTURE,
R/O.#228, KARMAVEER COLONY RUKADI,
HALKANANGALE, KOLHAPUR-416118,
TQ. AND DIST. KOLHAPUR.

...APPELLANTS

(BY SRI PRUTHVI K. S., ADVOCATE)

AND:

1. SMT. KAMAL W/O. SHRIKANT PARAMAPPAGOL,
AGE: MAJOR,
OCC: HOUSEHOLD WORK AND AGRICULTURE,
R/O DANOLLI, SHIROL-416101, TQ. SHIROL,
DIST. KOLHAPUR, STATE. MAHARASHTRA
2. SMT. SHANTABAI S/O BALU SAVADATTI
AGE: MAJOR,
OCC: HOUSEHOLD AND AGRICULTURE,
R/O SHEDBAL, ATHANI-591315,
TQ: ATHANI, DIST: BELGAVI.



3. SMT. KANTABAI W/O. BALASAB BERNALE
AGE: MAJOR,
OCC: HOUSEHOLD WORK & AGRICULTURE,
R/O. DANOLI, SHIROL-416101,
TQ: SHIROL, DIST: KOLHAPUR,
STATE: MAHARASHTRA.
4. SMT. SHALUBAI W/O. ANNASAHED GADAGE,
AGE: MAJOR,
OCC: AGRICULTURE AND HOUSEHOLD WORK,
R/O. MALAGAON, MIRAJ-416410, TQ: MIRAJ,
DIST: SANGLI, STATE: MAHARASHTRA.
5. SMT. AKKATAI W/O. ANNASAB SHIRAGANVE,
AGE: 79 YEARS,
OCC: AGRICULTURE AND HOUSEHOLD WORK,
R/O. SHEDBAL, ATHANI-591315,
TQ: ATHANI, DIST: BELAGAVI.
6. SHRI NEMANNA ANNASAB SHIRAGANVE,
AGE: 46 YEARS, OCC: AGRICULTURE,
R/O. AINAPUR, ATHANI-591315,
TQ: ATHANI, DIST: BELAGAVI.
7. SMT. VIMALA W/O. DHANAPAL LADAGE,
AGE: 56 YEARS, OCC: HOUSEHOLD WORK,
R/O. KHIDRAPUR, SHIROL-416108,
TQ: SHIROL, DIST: KOLHAPUR,
STATE: MAHARASHTRA.
8. SHRI DHANAGOND ANNASAB SHIRAGANVE,
AGE: 46 YEARS,
OCC: AGRICULTURE AND HOUSEHOLD WORK,
R/O. SHEDBAL, ATHANI-591315,
TQ: ATHANI, DIST: BELAGAVI.
9. THE DEPUTY TAHASILDAR,
NADA KACHERI, KAGAWAD-591223,
TQ: ATHANI, DIST: BELAGAVI.



10. THE STATE OF KARNATAKA,
RPTD. BY ITS DEPUTY COMMISSIONER,
BELAGAVI-590001,
TQ. AND DIST: BELGAVI.
11. SHRI MAKTUM S/O. PAPA MOMIN,
AGE: 69 YEARS, OCC: AGRICULTURE,
R/O. MOMIN NAGAR, RAIBAG,
TQ: RAIBAG, DIST: BELAGAVI.
12. SHRI SADDAM S/O. MAKTUM MOMIN,
AGE: 34 YEARS, OCC: AGRICULTURE,
R/O. MOMIN NAGAR, RAIBAG,
TQ: RAIBAG, DIST: BELAGAVI.

...RESPONDENTS

(BY SRI PRASAD SIDHANTI, ADVOCATE FOR R1 TO R4;
SRI RAMACHANDRA A. MALI, ADV. FOR R11 & R12;
SRI SAJIDAHMED GOODWALE, ADV. FOR R7;
SRI PRAVEEN Y. DEVAREDDIYAVARA, HCGP FOR R9 & R10;
NOTICE TO R5, R6, R8 TO R10 ARE SERVED)

THIS REGULAR SECOND APPEAL IS FILED UNDER SECTION 100 OF THE CODE OF CIVIL PROCEDURE, PRAYING TO SET ASIDE THE JUDGMENT AND DECREE DATED 07.07.2023 PASSED BY THE COURT OF ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, ATHANI, IN R.A.NO.28/2015 AND THE JUDGMENT AND DECREE DATED 04.12.2014 PASSED BY THE COURT OF PRINCIPAL CIVIL JUDGE AND JMFC, ATHANI IN O.S.NO.26/2002, AND THE SUIT OF THE PLAINTIFF'S MAY KINDLY BE DISMISSED, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

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



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR)

Case is called. The appellants and respondents No.11 and 12 and their respective counsels were present on 25.02.2026. The counsels for both parties have filed duly signed compromise petition under Order XXIII Rule 3 of Code of Civil Procedure, 1908.

2. It is submitted that on 13.07.2024 in O.S.No.211/2024 respondents No.1 to 8 have settled the matter with respondents No.11 and 12.

3. Now the matter is settled between the appellants and respondents No.11 and 12. Respondents No.11 and 12 have handed over two demand drafts dated 24.02.2026 for a sum of Rs.9,45,000/- (Rupees Nine Lakh Fourty Five Thousand) each in favour of appellant No.5/Bahubali Babu Upadhye and the said respondents have also paid a sum of Rs.6,10,000/- (Rupees Six Lakh Ten Thousand only) in cash. Accordingly, appellant No.5 has acknowledged the receipt of the said amounts.



4. Under the compromise, it is stated that the suit is filed by the plaintiffs for the relief of declaration and perpetual injunction. On the advice made by the elders and well wishers both appellants and respondents No.11 and 12 compromised the case and filed this petition.

5. Both appellants and respondents No.11 and 12 have amicably settled the matter and have accordingly compromised the case.

6. According to the compromise petition, both the parties prayed to draw decree as per compromise petition.

7. The contents of the compromise petition explained to the parties to the suit in the language known to them. They admit its contents and they have stated that, they have subscribed their signatures on the compromise petition after understanding its contents.

8. The compromise entered into by the parties is legal and appears to be voluntary. Hence, it is accepted. Thus, the suit is decreed in terms of compromise petition.



**NC: 2026:KHC-D:3015
RSA No. 100332 of 2024**

9. Office is hereby directed to draw decree. The compromise petition shall be treated as part and parcel of the compromise decree.

**Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE**

PMP /CT-AN
List No.: 1 SI No.: 2