



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 26TH DAY OF MARCH 2026
BEFORE
THE HON'BLE MRS JUSTICE GEETHA K.B.
REGULAR SECOND APPEAL NO. 100444 OF 2018 (POS)

BETWEEN:

SRI. CHANNABASAPPA
S/O. BASAVANNEPPA KONNUR,
AGE: 65 YEARS, OCC: BUSINESS,
R/O: AMTE CHAWL, MANTUR ROAD, HUBBALLI,
NOW R/AT: H.NO.99, SHIVAGIRI LAYOUT,
UNKAL-580031.

...APPELLANT

(BY SRI. C.N. HARLAPUR, ADVOCATE)

AND:

1. SHRI SHANKARAPPA
S/O. SADASHIVAPPA SHETTAR,
AGE: 63 YEARS,
OCC: RETIRED SERVICE,
R/O: MADHURA ESTATE,
HUBBALLI-580023.
2. SHRI RACHAPPA
S/O. GURUSIDDAPPA KONNUR,
AGE: 60 YEARS, OCC: BUSINESS,
R/O: H.NO.65, BHUSPETH,
HUBBALLI-580028.
3. SHRI ASHOK
S/O. GURUSIDDAPPA KONNUR,
AGE: 55 YEARS, OCC: BUSINESS,



R/O: H.NO.65, BHUSPETH,
HUBBALLI-580028.

4. SHRI GANGADHAR
S/O. GURUSIDDAPPA KONNUR,
AGE: 50 YEARS, OCC: BUSINESS,
R/O: H.NO.65, BHUSPETH,
HUBBALLI-580028.

AS PER COURT ORDER DATED 26.03.2026
THE APPEAL AGAINST R2-R4 IS NOT PRESSED.
ACCORDINGLY AMENDMENT IS CARRIED OUT.

...RESPONDENTS

(BY SRI. RAJSHEKHAR R. GUNJALLI, ADVOCATE FOR R1;
NOTICE TO R2-R4 IS DISMISSED AS NOT PRESSED)

THIS RSA IS FILED UNDER SECTION 100 OF CPC PRAYING
TO SET ASIDE THE JUDGMENT AND DECREE PASSED IN
REGULAR APPEAL NO.23/2013 DATED 30.01.2018 BY THE
PRINCIPAL SENIOR CIVIL JUDGE HUBBALLI, AT: HUBBALLI AND
TO SET ASIDE THE JUDGMENT AND DECREE PASSED IN O.S.
NO.77/2006 DATED 23.11.2012 BY THE SECOND ADDITIONAL
CIVIL JUDGE AND J.M.F.C. III COURT, HUBBALLI AT: HUBBALLI,
IN THE ENDS OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ORDERS THIS DAY, THE
ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MRS JUSTICE GEETHA K.B.



ORAL ORDER

Learned counsels for appellant and respondent No.1 have filed compromise petition under Order XXIII Rule 3 of C.P.C.

2. Both the appellant and respondent No.1 present before the Court and they are identified by the respective learned counsels.

3. Today respondent No.1 has paid ₹.1,00,000/- to the appellant and appellant reports receipt of ₹.1,00,000/- from the respondent No.1 and respondent No.1 acknowledges the receipt of key of suit schedule property from appellant.

4. The relevant terms and conditions of the compromise petition are as follows:

"It is submitted that during the pendency of the above appeal on the advice of elderly persons and well-wishers of the both parties the appellant and respondent No.1 are agreed and settled the dispute between them and compromised the dispute in terms of following conditions:



- a) *The Appellant agreed to vacate the suit schedule property in dispute by receiving Rs.1,00,000/- and hand over the vacant possession.*
- b) *Accordingly, the respondent No.1 has paid Rs.1,00,000=00 today and the appellant has acknowledges the receipt of the same and handed over the key of vacant suit property to the respondent No.1 today.*
- c) *The Appellant has deposited the arrears of rent amount in respect of the suit schedule property in question before the trail court in H.R.C. No. 12/2000 and in Ex. Case No. 32/2013 or before this Hon'ble court. The respondent No. 1 has no objection for withdrawal of the entire amount deposited in the above cases in favour of Appellant i.e. Channabasappa S/O Basavanneppa Konnur.*
- d) *The Respondent 2 to 4 have suffered the decree passed in O.S. No 77/2006 and they have not challenged the said judgment and decree. The appellant only challenged the said judgment and decree in R.A. No 23/2013 and same is came to be dismissed, After dismissal, the appellant filed the present second appeal. Hence respondent No 2 to 4 are formal parties. Hence, they have not parties to the compromise petition."*



5. On enquiry and perusal of compromise petition and appeal memo papers, it is found that the compromise entered between the parties is voluntary and lawful one. Hence, compromise petition is accepted. Appeal is disposed of in terms of compromise petition.

6. Draw decree accordingly.

7. The compromise petition shall be part and parcel of the decree.

8. The appellant has deposited arrears of rent before the trial Court and respondent has no objection to withdraw said amount by the appellant.

9. Hence, trial Court is permitted to refund the deposit of arrears of rent amount to the appellant on proper identification.

Sd/-
(GEETHA K.B.)
JUDGE

SSP
CT-MCK
LIST NO.: 1 SL NO.: 3