



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 24TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE ASHOK S. KINAGI
MISCELLANEOUS FIRST APPEAL NO. 103276 OF 2025
(ISA-)

BETWEEN:

1. SALEEM KHAN S/O. GALIBKHAN JAMADAR,
AGE.38 YEARS, OCC. BUSINESS,
R/O. ASAR GALLI, TQ. VIJAYAPUR,
DIST. VIJAYAPUR-586101.
2. SAEEDABI W/O. HASANSAB WALIKAR,
AGE.48 YEARS, OCC. PRIVATE SERVICE,
R/O. RAHEEM NAGAR, VIJAYAPUR,
TQ. VIJAYAPUR, DIST. VIJAYAPUR-586101.
3. GULSHANBI W/O. GALIBKHAN JAMADAR,
AGE.68 YEARS, OCC. HOUSEHOLD WORK,
R/O. ASAR GALLI, VIJAYAPUR,
TQ. VIJAYAPUR, DIST. VIJAYAPUR-586101.

...APPELLANTS

(BY SRI. SHIVARAJ P. MUDHOL, ADV)

AND:

1. SMT. HAFIJABI CALLING HERSELF AS A
W/O. MAINUDDINKHAN
JAMADAR @ GOLANDAJ,
AGE. 84 YEARS, OCC. PENSIONER,
R/O. KHB COLONY, BAGALKOT,
TQ. BAGALKOT, DIST. BAGALKOT-587101.



2. MR. MOHAMMEDGOUSE
S/O GALIB KHAN JAMADAR,
AGE: 43 YEARS, OCC: BUSINESS
R/O: ASAR GALLI, VIJAYAPUR.
3. AYESHABI W/O ABDUL WAHEED MULLA
AGE: 45 YEARS, OCC: HOUSEHOLD WORK
R/O: ASAR GALLI, VIJAYAPUR.
4. KHAIRUNBI W/O MOHAMMED ARIF DARGA
AGE: 36 YEARS, OCC: HOUSEHOLD WORK
R/O: ASAR GALLI, VIJAYAPUR.

...RESPONDENTS

(BY SRIYUTHS. RAHUL S. KUNTOJI AND SHRADDHA R.J.
ADVS FOR R1, & SRI. SUNIL R. KHOT, ADV FOR R2 TO R4)

THIS MFA IS FILED U/S.299 OF THE INDIAN
SUCCESSIONS ACT, 1925, PRAYING TO CALL FOR RECORDS
AND TO SET ASIDE THE JUDGMENT AND ORDER IN NO.P AND
SC NO.6/2025 DATED 10.06.2025 PASSED BY THE PRL. SENIOR
CIVIL JUDGE AND CJM, BAGALKOT AT BAGALKOT BY ALLOWING
THIS APPEAL IN THE INTEREST OF JUSTICE AND EQUITY.

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



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

1. The appellants and respondents are present before the Court. They are identified by their respective counsel and have filed a memorandum of agreement before the Court.

2. This Court vide order dated 13.03.2026 referred the matter to the special mediation Drive-2 and directed the parties to appear before the mediation centre, High Court of Karnataka, Dharwad on 24.03.2026. In pursuance of which it is seen that the parties have appeared before the Mediation Centre, High Court of Karnataka, Dharwad Bench, Dharwad, and have signed a memorandum of agreement under Section 89 of the Code of Civil Procedure, read with Sections 24 and 25 of the Karnataka Civil Procedure (Mediation) Rules, 2007. The contents of memorandum of agreement are reads as follows:

**"MEMORANDUM OF AGREEMENT UNDER SECTION
89 OF THE CODE OF THE CIVIL PROCEDURE READ**



**WITH RULES-24 AND 25 OF THE KARNATAKA
PROCEDURE (MEDIATION) RULES, 2007. CIVIL**

Herein, the above named appellants and respondents most respectfully submit as under:

1. At the advice of elderly persons and the relatives of the appellants and respondents to maintain the cordial relationship between the appellants and respondent, they have compromised the matter as under:

2. The respondent No.1 is represented by power of attorney holder by name Javeed S/o Mahamad Iqbal Patel, since the respondent No.1 is old women and said PA holder having personal knowledge of the matter.

3. Along with this compromise petition particulars of FDs kept in the banks is enclosed at Schedule A same may be treated as a part and parcel of this compromise petition.

4. The respondent No.1 admitted that appellant No 3 is a mother of appellant No 1 and 2 and also mother of respondent No 2 to 4.

5. The respondent No 1 admitted that she is not the wife of Mainuddin Khan S/o Jaffar Khan @ Hussain Khan Jamadar. Further respondent No 1 admitted that Mainuddin Khan S/o Jaffer Khan is elder brother of husband of appellant No 3. The respondent No ladmitted that the wife of said Mainuddin Khan by name Ameerbi W/o Mainuddin is predeceased to said Mainuddin on 10/4/2022 and said Mainuddin died on 29/7/2024 issue less. The appellants and respondent No 2 to 4 admitted that the said Ameerabi is sister of respondent No 1.

6. The respondent No 1 admitted that she has already withdrawn FD amount of Rs. 2,40,00000/- (Two Crore forty Lakh) which is standing jointly in the name of said Mainuddin Khan and herself from the District Central Co-Operative Bank Bagalkot and Shri Siddeshwar Bank Vijayapura. So the respondent No 1 agreed that the



appellants and respondent No 2 to 4 are having right to take 50% of amount already withdrawn by respondent No 1 i.e., out of Rs. 2,40,00000/- (Two Crore forty Lakh), the appellants and respondent No 2 to 4 are entitle to receive Rs. 1,20,00000/- (One Crore Twenty Lakh) as share of their uncle said Mainuddin Khan. To adjust Rs. 1,20,00000/-(One Crore Twenty Lakh) the respondent No 1 agreed that appellants and respondent No 2 to 4 can withdraw the said amount of Rs. 1,20,00000/- (One Crore Twenty Lakh) from Canara Bank opposite old Court, Kaladgi Road, Bagalkot out of FD amount kept in the said Canara Bank kept jointly in the name of respondent No 1, in the name of Ameerabi and said Mainuddin Khan so the respondent No 1 shall not object to withdraw the amount by the appellants and respondent No 2 to 4.

7. After withdrawal of Rs. 1,20,00000/- (One Crore Twenty Lakh) by the appellants and respondent No 2 to 4 whatever the FD amount if any remains with upto date interest the appellants and respondent No 2 to 4 together take 50% of FD amount and remaining 50% shall be given to respondent No 1.

8. The FD amount kept in any bank as mentioned in the Schedule A in the name of respondent No 1. decease MainuddinKhan S/o Jaffer Khan Jamadar or in the name of Ameerbi W/o Mainuddin or jointly shall be divided equally between respondent No 1 and appellants and respondent No 2 to 4 viz., the appellants and respondent No 2 to 4 together take 50% of FD amount and remaining 50% shall be given to respondent No 1.

9. It is further agreed by the parties that out of 50% of share in FD amount which the appellants and respondent No 2 to 4 are entitle shall take as per Mohammedan Law i.e., the appellant No 3 will take 1/8th share. After deduction of 1/8th share the appellant No 2 and respondent No 2 and 3 will take 1/7th share each and appellant No 1 and respondent No 2 will take each 2/7th share by transferring directly in their account as



mentioned in Schedule B of ths petition and the particulars mentioned in Scheduled B be treated as part and parcel of this petition.

10. The respondent No 1 can withdraw the amount of her share through her above said PA holder.

11. The appellants and respondent No 2 to 4 admitted that they do not claim any right against each other except as stated above. The respondent No 1 admitted that she has no right, title, interest in the property left by Mainuddin Khan S/o Jaffer Khan Jamadar. So also appellants and respondent No 2 to 4 have also no right in the property standing in the name of respondent No 1. Henceforth they will not raise any objection.

12. This compromise is entered between the parties out of free consent.

13. Therefore it is prayed that the Hon'ble Court be please to record the compromise as per terms mentioned above and pass a compromise decree in the interest of justice and equity.

14. Parties will appear on 24.03.2026 before the Hon'ble court for passing orders/decreet."

3. The contents of the memorandum of agreement were read over and explained to them in the Hindi language, and they have accepted the same.

4. I have perused the memorandum of agreement and find no legal impediment in accepting the same. Accordingly, the memorandum of agreement is taken on record.



5. Accordingly, the following:

ORDER

- i. The appeal is ***disposed of*** in terms of the memorandum of agreement.
- ii. Pending applications, if any, shall stand disposed of.

**Sd/-
(ASHOK S. KINAGI)
JUDGE**

AC
CT: BSB
List No.: 5 SI No.: 1