



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO.102867 OF 2023 (GM-CPC)

BETWEEN:

1. SMT. M.V. NAGARATNA W/O. M.P. VEERABHADRA,
AGE. 38 YEARS, OCC. BUSINESS,
2. M.P. VEERABHADRA S/O. LATE PALAKSHAPPA,
AGE. 42 YEARS, OCC. BUSINESS,

BOTH ARE RESIDING AT: HAMPASAGARA ROAD,
HUVINAHADAGALI TOWN,
TQ. AND DIST. BALLARY-583219.

...PETITIONERS

(BY SRI. MRUTYUNJAYA S.HALLIKERI, ADVOCATE)

AND:

M.P. VIJAYKUMAR S/O. LATE M.S. PALAKSHAPPA,
AGE. 40 YEARS, OCC. BUSINESS,
R/O. VIJAY LODGE, HAMPASAGARA ROAD,
HUVINAHADAGALI TALUK, DIST. BALLARY-583219.

...RESPONDENT

(BY SRI. GURUBASAVARAJ S.M., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT ORDER OR DIRECTION INCLUDING THE WRIT IN THE NATURE OF CERTIORARI BY QUASHING THE COMPROMISE DECREE DATED 05.12.2020 IN O.S.NO.11/2020 PASSED BY THE CIVIL JUDGE AND JMFC, AT HUVINA HADAGALI VIDE ANNEXURE-E AND ETC.,.

VIJAYALAKSHMI
M KANKUPPI



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VIJAYALAKSHMI
M KANKUPPI
Date: 2026.04.09
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THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

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

1. The petitioners have filed this petition challenging the compromise decree dated 05.12.2020 passed in O.S. No.11/2020 by the learned Civil Judge and JMFC, Huvinahadagali vide Annexure-D.

2. Brief facts, leading rise to the filing of this writ petition are as follows:

3. The respondents filed a suit in O.S.No.11/2020 seeking the relief of permanent injunction. The petitioner appeared and filed a written statement. On 04.12.2020, the petitioners, and the respondents filed a compromise petition before the Lok Adalath.

4. The said compromise petition was accepted, and an order was passed to draw a decree on 05.12.2020. Accordingly, a compromise decree was drawn.

5. Thereafter, respondent No.1 filed another suit bearing O.S. No.1/2021 on the file of the learned Civil Judge



and JMFC, Huvinahadagali, seeking a permanent injunction against the petitioners from putting up construction in the suit schedule properties.

6. Heard the arguments of the learned counsel for the petitioners and the learned counsel for the respondents.

7. Learned counsel for the petitioners submits that, as per the terms and conditions of the compromise, the respondents have violated the same by filing the subsequent suit in O.S. No.1/2021. It is submitted that the compromise decree is arbitrary and erroneous, and the respondents are causing inconvenience to the petitioners based on the said decree. Hence, on these grounds, he prays to allow the petition.

8. *Per contra*, learned counsel for the respondents submits that the petitioners have challenged the compromise decree only on the ground that the respondents have filed a subsequent suit in O.S. No.1/2021, and there are no pleadings regarding fraud. He submits that merely filing a subsequent suit is not a ground to set aside a compromise



decree. Hence, on this ground he prays to dismiss the writ petition.

9. Perused the records, and considered the submissions made by the learned counsel for the parties.

10. It is an undisputed fact that the respondents filed a suit in O.S.No.11/2020 seeking a permanent injunction. The parties entered into a compromise, and a compromise petition was filed before the Lok Adalath. The Lok Adalath accepted the compromise and directed, drawing up of the compromise decree, which was accordingly drawn as per Annexure- D.

11. Subsequently, the respondents filed another suit in O.S. No.1/2021.

12. From the perusal of the grounds raised in the writ petition, it is evident that the petitioners have not pleaded that the compromise decree was obtained by fraud, misrepresentation, coercion, or undue influence. It is well settled that a compromise decree can only be set aside on strong and valid grounds, such as fraud or coercion.



13. Mere filings of a subsequent suit by the respondents do not constitute a valid ground to set aside the compromise decree at Annexure- D.

14. In the absence of any such pleadings or material, I do not find any grounds to entertain this writ petition. Accordingly, the following:

ORDER

- i. The writ petition is ***dismissed***.
- ii. Pending application if any shall stand disposed of.

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

AC
CT: UMD
List No.: 1 Sl No.: 54