



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

WRIT PETITION NO.102690 OF 2023 (GM-RES)

BETWEEN:

CHANDAPPA S/O. IRAPPA BADIGER,
AGE. 80 YEARS, OCC. AGRICULTURE,
R/O. HANAMASAGAR, TQ. KUSTAGI,
DIST. KOPPAL, PRESENTLY AT HOUSE NO.176,
NIJALINGAPPA COLONY, RAICHUR, RAICHUR-583220.

...PETITIONER

(BY SRI. MRUTYUNJAYA S.HALLIKERI, ADVOCATE)

AND:

1. ASHOK B. S/O. NEELAKANTHAPPA,
AGE. 57 YEARS,
OCC. CIVIL ENGINEER CONTRACTOR,
R/O. VIDYANAGAR EXTENSION AREA,
NEAR B.ED. COLLEGE, GOKAK-580020.
2. ARAVIND B. S/O. NEELAKANTAPPA,
AGE. 55 YEARS, OCC. CIVIL ENGINEER,
R/O. ANUGRAHA, H.P. COMPANY,
CHANDRA LAYOUT, BANGALORE-560040.

...RESPONDENTS

(BY SRI. VINAY S.KOUJALAGI, ADVOCATE FOR R1 AND R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT, ORDER, OR DIRECTION IN CERTIORARI BY QUASHING THE COMPROMISE DECREE PASSED ON 27.03.2021 IN O.S.NO.264/2017 BY THE HON'BLE COURT OF SENIOR CIVIL JUDGE AT KUSTAGI BEFORE THE LOK ADALATH VIDE

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ANNEXURE-E, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,.

THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL JUDGMENT

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

1. The petitioner has filed this writ petition challenging the compromise decree dated 27.03.2021 passed in O.S. No.264/2017 by the learned Senior Civil Judge, Kustagi, before the Lok Adalath vide Annexure-E.

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

The petitioner and the father of the respondents are brothers. It is stated that they partitioned the suit property in the year 1993. The petitioner thereafter filed a suit in O.S. No.264/2017 against the respondents seeking the relief of declaration and perpetual injunction. The said suit was contested, and evidence was led by the parties. During the pendency of the suit, the parties entered into a compromise, and a compromise petition was presented



before the Lok Adalath. The said compromise petition was accepted, and a compromise decree was drawn accordingly.

3. Being aggrieved by the said compromise decree, the petitioner has filed this writ petition.

4. Heard the arguments of the learned counsel for the petitioner and the learned counsel for the respondents.

5. The learned counsel for the petitioner submits that the petitioner is entitled to pass through the eastern portion of the land allotted to the respondents for the purpose of accessing his agricultural property. He further submits that initially a draft copy of the compromise petition was furnished by the respondents, however, subsequently certain conditions were altered. It is submitted that the petitioner could not properly read the final compromise petition and that the respondents have played fraud on the petitioner in obtaining the compromise decree. Hence, on these grounds, he prays to allow the writ petition.

6. *Per contra*, the learned counsel for the respondents submits that the petitioner, after going through



the contents of the compromise petition, has affixed his signature to the same and was also represented by the counsel. It is submitted that the compromise was entered into voluntarily, without any coercion or fraud. The petitioner has failed to establish that the compromise decree was obtained by fraud. Hence, on these grounds, he prays to dismiss the writ petition.

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

8. It is an undisputed fact that the petitioner and the father of the respondents are brothers and that the petitioner had filed O.S. No.264/2017 seeking the relief of declaration and perpetual injunction.

9. During the pendency of the suit, the parties entered into a settlement, and filed a compromise petition before the Lok Adalath.

10. The records disclose that the parties, after going through the contents of the compromise petition, have affixed their signatures to the same. Further, the members



of the Lok Adalath have read over, and explained the contents of the compromise petition to the parties, and upon understanding the terms and conditions, the parties accepted the same. Accordingly, the compromise petition was accepted.

11. The petitioner has contended that there was a draft copy of the compromise petition and has produced the same as Annexure-C. However, on perusal of Annexure-C, no material alteration or striking out of any condition is evident.

12. There is no material on record to show that the compromise was not entered into voluntarily or that it was vitiated by fraud.

13. Hence, the petitioner has failed to establish that the respondents have obtained the compromise decree by playing fraud.

14. Therefore, this Court do not find any grounds to interfere with the compromise decree at Annexure-E.

15. Accordingly, the following:



ORDER

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

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

AC
CT: UMD
List No.: 1 Sl No.: 3