



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE R.NATARAJ

AND

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY
REGULAR FIRST APPEAL NO.200034 OF 2014 (PAR)

BETWEEN:

1. MILIND S/O LAYAPPA CHANCHALKAR,
AGE: 50 YEARS, OCC: MUNICIPALITY MEMBER,
R/O. SHAPETI, NEAR KOPPAD SHOP,
BIJAPUR-586 101.
2. SMT. MEGHA W/O MILIND CHANCHALKAR,
AGE: 50 YEARS,
OCC: GOVT. PRIMARY SCHOOL TEACHER,
R/O. SHAPETI, NEAR KOPPAD SHOP,
BIJAPUR- 586 101.
3. SMT. LAXMI W/O RAHUL BANASUDE,
AGE: 53 YEARS, OCC: HOUSEHOLD,
R/O. OPP. LAMANI HOSTEL, GYANGBAVADI,
BIJAPUR- 586 101.
4. SMT. SANGHMITRA
W/O CHANDRAKANT KOLAKAR,
AGE: 48 YEARS, OCC: HOUSEHOLD,
R/O. C/O. KASHINATH CHANCHALKAR,
SHAPETI GALLI, KALADAGI ROAD,
BIJAPUR- 586 101.

Digitally signed
by SUMITRA
SHERIKAR
Location: HIGH
COURT OF
KARNATAKA



5. SMT. ANASUYA D/O SHANKAR SINGHE,
AGE: 56 YEARS, OCC: DOCTOR,
R/O. C/O. MILIND S/O LAYAPPA CHANCHALKAR,
SHAPETI, NEAR KOPPAD SHOP,
BIJAPUR - 586 101.
6. SMT. SUJATA W/O SHANKAR SINGHE,
AGE: 44 YEARS, OCC: DOCTOR,
R/O. SHAPETI, NEAR KOPPAD SHOP,
BIJAPUR - 586 101.
7. REKHA W/O SHARANAPPA NAGARALE,
AGE: 42 YEARS, OCC: TEACHER,
R/O. C/O. MILIND S/O. LAYAPPA CHANCHALKAR
SHAPETI, NEAR KOPPAD SHOP,
BIJAPUR- 586 101.

...APPELLANTS

(BY SRI NARENDRA REDDY, ADVOCATE)

AND:

1. SMT. RAMABAI W/O RAMCHANDRA CHANCHALKAR
AGE: 76 YEARS, OCC: HOUSEHOLD,
R/O. NEAR MAHADEV TEMPLE, SHAHAPETI GALLI,
BIJAPUR - 586 101
2. ASHOK S/O RAMCHANDRA CHANCHALKAR,
AGE: 54 YEARS, OCC: PRIVATE-SERVICE,
R/O. NEAR MAHADEV TEMPLE,
SHAHAPETI GALLI,
BIJAPUR - 586 101.
3. SMT. JAYASHREE W/O SOMANING GAVADE,
AGE: 45 YEARS, OCC: PRIVATE SERVICE,
R/O. ISLAPUR,
TQ. & DIST. NANDED - 431 803.
4. SMT. NIRMALA W/O BABU SARJE,
AGE: 43 YEARS, OCC: COOLIE,



R/O. NEAR YALLAMMA TEMPLE,
SHAHAPETI,
BIJAPUR - 586 101.

5. SMT. KAVITA W/O CHANDRAKANT BADIGER,
AGE: 38 YEARS, OCC: HOUSEHOLD,
R/O. NEAR YALLAMMA TEMPLE, SHAHAPETI,
BIJAPUR - 586 101.
6. SMT. LALITA W/O SURESH TALAWAR,
AGE: 32 YEARS, OCC: HOUSEHOLD,
R/O. NEAR YALLAMMA TEMPLE,
SHAHAPETI,
BIJAPUR - 586 101.
7. SMT. GEETA W/O GOUTAM BOGAR,
AGE: 36 YEARS, OCC: HOUSEHOLD,
R/O. NEAR YALLAMMA TEMPLE,
SHAHAPETI,
BIJAPUR - 586 101.
8. SMT. DAVANAWWA
W/O RAMCHANDRA CHANCHALKAR,
AGE: 34 YEARS, OCC: PRIVATE SERVICE,
R/O. NEAR MAHADEV TEMPLE,
SHAHAPETI GALLI,
BIJAPUR - 586 101.
9. PARVATI W/O NAMADEV CHANCHALKAR,
AGE: 67 YEARS, OCC:HOUSEHOLD,
R/O. NEAR MAHADEV TEMPLE,
BIJAPUR - 586 101.
10. CHIKKAYYA S/O NAMADEV CHANCHALKAR,
AGE: 67 YEARS, OCC: PRIVATE WORK,
R/O. NEAR MAHADEV TEMPLE,
BIJAPUR - 586 101.
11. BHARATI W/O KASHINATH CHANCHALKAR,
AGE: 48 YEARS, OCC: HOUSEHOLD,



R/O. SHAPETI GALLI, KALADAGI ROAD,
BIJAPUR - 586 101.

12. DEEPA D/O KASHINATH CHANCHALKAR,
AGE: 20 YEARS, OCC: STUDENT,
R/O. SHAPETI GALLI, KALADAGI ROAD,
BIJAPUR - 586 101.
13. DILIP S/O KASHINATH CHANCHALKAR,
AGE: 16 YEARS, MINOR REPRESENTED BY HIS
NATURAL MOTHER
BHARTI W/O KASHINATH CHANCHALKAR,
AGE: 48 YEARS, OCC: HOUSEHOLD,
R/O. SHAPETI GALLI,
KALADAGI ROAD,
BIJAPUR - 586 101.
14. DEEPAK S/O KASHINATH CHANCHALKAR,
AGE: 14 YEARS, MINOR REPRESENTED BY HIS
NATURAL MOTHER
BHARATI W/O KASHINATH CHANCHALKAR,
AGE: 48 YEARS, OCC:HOUSEHOLD,
R/O. SHAPETI GALLI,KALADAGI ROAD,
BIJAPUR - 586 101.
15. DIVYA D/O KASHINATH CHANCHALKAR,
AGE: 14 YEARS, MINOR REPRESENTED BY HER
NATURAL MOTHER
BHARATI W/O KASHINATH CHANCHALKAR,
AGE: 48 YEARS, OCC:HOUSEHOLD,
R/O. SHAPETI GALLI,KALADAGI ROAD,
BIJAPUR - 586 101.
16. DEEKSHA D/O KASHINATH CHANCHALKAR,
AGE: 12 YEARS, MINOR REPRESENTED BY HER
NATURAL MOTHER
BHARATI W/O KASHINATH CHANCHALKAR,
AGE:48 YEARS, OCC:HOUSEHOLD,



R/O. SHAPETI GALLI, KALADAGI ROAD,
BIJAPUR - 586 101.

17. TUKARAM S/O KASHINATH CHANCHALKAR,
AGE: 70 YEARS, OCC: BUSINESS,
R/O. SIDDARTHA KIRANA SHOP,
BAGALKOT ROAD,
NEAR DATRI MASJID,
BIJAPUR - 586 101.
18. SMT. MALLAWWA W/O LAYAPPA CHANCHALKAR
SINCE DEAD.
(APPELLANTS ARE THE LRS., RESPONDENT NO.18)
19. SRI SIDDESHWAR URBAN CO-OPERATIVE BANK,
H.O. BIJAPUR,
REPRESENTED BY ITS MANAGER,
DIST. BIJAPUR - 586 101.

...RESPONDENTS

(BY SRI VINAYAK APTE, ADV., FOR R2 & R3;
SRI S.S. MAMADAPUR, ADV., FOR R9 & R10;
R1 - DEAD AS PER COMPROMISE PETITION; &
R4 TO R8 & R11 TO R19 - V/O. DATED 03.02.2026 APPEAL
DISMISSED AS WITHDRAWN AS PER MEMO)

THIS REGULAR FIRST APPEAL IS FILED U/S.96 OF THE
CODE OF CIVIL PROCEDURE, PRAYING TO SET ASIDE THE
JUDGMENT AND DECREE DATED 17.03.2014 PASSED IN O.S.
NO.140/2006 BY THE LEARNED I ADDL. SENIOR CIVIL JUDGE
AND CJM, BIJAPUR AND CONSEQUENTLY DISMISS THE SUIT
OF THE PLAINTIFFS WITH COST THROUGHOUT.

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

CORAM: HON'BLE MR. JUSTICE R.NATARAJ
AND
HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE R.NATARAJ)

1. This appeal is filed challenging the judgment and decree dated 17.03.2014 passed by the I Additional Senior Civil Judge and CJM, Bijapur in O.S. No.140 of 2006.

2. When this appeal is listed for final hearing today, the learned counsel for both the parties submit that the appellants and respondents No.1, 2, 3, 9 and 10 have entered into a settlement.

3. A memo is filed by the learned counsel for the appellants withdrawing the appeal as against respondents No.4 to 8. A memo is also filed withdrawing the appeal as against respondents No.11 to 19. Therefore, it is made clear that the compromise going to be recorded in this appeal shall not bind the respondents 4 to 8 and 11 to 19.

4. The parties are present before the Court and are identified by their respective counsels. However, the



power of attorney of the appellant No.5 is doubtful and therefore we called upon the learned counsel for the appellants to furnish a better power of attorney. Mr. Prajwal being the son of the appellant No.5 is present.

5. The compromise petition filed under Order XXIII Rule 3 of CPC reads as follows:

"The above named parties to the appeal submit as under:

- 1. That for the sake of convenience and in order to avoid confusion, the parties would be hereafter referred to according to their status in the original suit.*
- 2. That, the Plaintiffs had filed suit for partition and separate possession in O.S.No.140/2006 on the file of I Addl.Senior Civil Judge Vijayapura, same was came to be decreed on 17.03.2014. Wherein the suit of the plaintiff is partly decreed and a decree of partition and separate possession of 1/4th share of the plaintiffs No. 1 & 2 each is the suit schedule - A SL.No:1 and Suit schedule B in SL.No:1 to 3 is granted by metes and bounds. It is also held that in the remaining amount of the*



auction, the plaintiff is entitled for 1/4th share each.

Further the prayer of the plaintiff to grant partition and separate possession in the suit Schedule-A SI.No 2 CTS No:1360/3B property is hereby rejected, so also any of the defendant, except for defendant No.2 has any rights in CTS .no:1360/3B.

The counter claim made by the defendant No.1 to declare that defendant No.1, 3 to 13 became owners of R.S.No.66 and 64 of Khandanal Village is hereby rejected, along with other reliefs.

- 3. That, Being aggrieved by the Judgment and Decree the appellants/defendant No.1, 2, 9 to 13 have filed the above appeal in RFA No.200034/2014 which is pending for consideration before this Hon'ble Court.*
- 4. That with the intervention of the respectable persons the plaintiffs No.1B, 1C and plaintiff No.2A & 2B and defendant No.1, 2 & 9 to 13 have amicably settled the dispute in respect of item No.1 of Suit schedule 'A' property and item No.1 of Suit Schedule 'B' property on the following terms & conditions.*



- i) *That in terms of the said compromise the plaintiffs No.1B, 1C and plaintiff No.2A & 2B have given up share in favour defendant No.1 Milind in respect of Item No.1 of Schedule 'A' property. In view of it the said plaintiffs have no right, title or interest what so ever in respect of Item No.1 of Schedule 'A' property.*
- ii) *That as per amicable settlement plaintiffs No.1B, 1C have jointly received the sum of Rs 1,50,000/- in cash from the defendant No.1 Milind in lieu of their share in item No.1 of Schedule 'B' property i.e land Sy.No 50/1A measuring 4 acre 30 Guntas of Village Buranpur Tq Vijayapura Dist Vijayapura.*
- iii) *That as per amicable settlement plaintiff No.2A & 2B have jointly received the sum of Rs 1,50,000/- in cash from the defendant no.1 Milind in lieu of their share in item No.1 of Schedule 'B' property i.e land Sy.No 50/1A measuring 4 acre 30 Guntas of Village Buranpur Tq: Vijayapura Dist Vijayapura.*



- iv) *The plaintiff No.1B, 1C and plaintiff No.2A & 2B in receipt of above said amount have no right title and interest in said Item No.1 of Schedule 'B' property.*
 - v) *The parties place on record and declare that the other terms and conditions of the Preliminary decree passed in OS. No 140/2006 on the file of 1st Addl. Senior Civil Judge Vijayapura in respect of other suit schedule A & B properties remain Intact and the parties are entitled to initiate Final Decree proceedings before the trial court.*
5. *That the terms of the compromise is read over to the parties in their know language and after understanding the terms, the parties to the compromise have affixed their signatures without there being any force, coercion and undue influence.*

PRAYER

Wherefore, it is prayed that this Hon'ble Court may kindly be pleased to allow the appeal in terms of compromise petition by modifying the judgment and decree of the trial court in OS.no:140/2006 1st Addl. Senior Civil Judge Vijayapura, in the interest of justice and equity."



6. The parties have acknowledged and admitted the terms of settlement. Hence, the present appeal as well as suit filed before the Trial Court in O.S. No.140/2006 is disposed of in terms of the compromise petition, without going into its merits. This is however subject to the appellants furnishing a proper power of attorney of appellant No.5. The parties have affixed their signatures on the order-sheet of this Court as a token of acceptance of the terms of the compromise petition.

7. The appellants have handed over a sum of Rs.1,50,000/- in favour of respondents No.2 and 3 and a sum of Rs.1,50,000/- in favour respondents No.9 and 10 which they have acknowledged in our presence.

Sd/-
(R.NATARAJ)
JUDGE

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE