



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH 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.200072 OF 2025 (DEC/POS)

BETWEEN:

1. SMT. KHAJA BEE
W/O ABUDL REHEMAN SAB,
D/O BASHUMIYAN,
AGE : 80 YEARS,
OCC: HOUSEHOLD,
R/O: H.NO.E/5/3750/3, UMAR COLONY,
AZADPUR ROAD, KALABURAGI – 585 102.
2. SMT. BEGUM BEE
W/O MOHD GUDUSAB,
D/O BASHUMIYAN,
AGE: 76 YEARS,
OCC: HOUSEHOLD,
R/O: H.NO.E/5/3773/3, UMAR COLONY,
AZADPUR ROAD, KALABURAGI – 585 102.
3. SMT. SHARIFA BEE
W/O AHMAD SAB (D/O BASHUMIYAN),
AGE: 57 YEARS,
OCC: HOUSEHOLD,
R/O: H.NO.16/B, AZDPUR VILLAGE,
TQ AND DIST: KALABURAGI – 585 102.
4. SMT. AMEENA BEE
W/O REHAMAN MIYAN,
AGE: 42 YEARS,





OCC: HOUSEHOLD,
R/O: R/O MAHEBOOB NAGAR
COLONY NEAR SIRAJ MEDICAL,
RING ROAD,
TQ AND DIST: KALABURAGI – 585 102.

5. SMT. REHMATH BEGUM
W/O CHANDPASHA,
AGE : 40 YEARS,
OCC: HOUSEHOLD,
R/O:H.NO.5-993/31/62,
AHMAD NAGAR NOOR MASJID, AZADPUR ROAD,
KALABURAGI – 585 102.
6. SMT. MAHEBOOB BEE
W/O BABA,
AGE: 37 YEARS,
OCC: HOUSEHOLD,
R/O: H.NO.4-543, DARGA ROAD,
SANTRAS WADI, KALABURAGI – 585 102.
7. SRI SYED HUSSAIN
S/O KHAJA MOINUNDDIN,
AGE: 34 YEARS,
OCC: COOLIE,
R/O: H.NO.3-993/31/62,
AHMAD NAGAR NEAR NOOR MASJID,
AZADAPUR ROAD, KALABURAGI – 585 102.
8. SMT. BEENA BEGUM
W/O ASIF MIYAN,
AGE: 32 YEARS,
OCC: HOUSEHOLD,
R/O: H.NO.5/3789,
AHMAD NAGAR NEAR NOOR MASJID,
AZADPUR ROAD, KALABURAGI – 585 102.
9. SRI SYED MASTAN
S/O KHAJA MOINUDDIN,
AGE : 30 YEARS,
OCC: COOLIE,



**NC: 2026:KHC-K:1909-DB
RFA No. 200072 of 2025**

R/O: H.NO.62 AHMAD NAGAR, NEAR NOOR MASJID,
AZADAPUR ROAD, KALABURAGI - 585 102.

...APPELLANTS

(BY SRI PRADEEP KUMAR, ADVOCATE)

AND:

SMT. LAL BEE
W/O MODIN SAB (D/O BASHUMIYAN)
AGE: 78 YEARS,
OCC: HOUSEHOLD,
R/O: AZADPUR VILLAGE,
TQ: AND DIST: KALABURAGI - 585 102.

...RESPONDENT

(BY SRI MOHD KHADER KHAN, ADVOCATE)

THIS RFA IS FILED UNDER ORDER 41 RULE 1 READ WITH
SECTION 96 OF CPC, PRAYING TO SET ASIDE THE JUDGMENT
AND DECREE DATED 19.02.2025 IN O.S.NO.106/2022 PASSED
BY THE LEARNED PRINCIPAL SENIOR CIVIL JUDGE
KALABURAGI, CONSEQUENTLY DECREE THE SUIT AS PRAYED
FOR TO MEET THE ENDS OF JUSTICE.

THIS RFA, COMING ON FOR ADMISSION, 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)

This appeal is filed by the unsuccessful plaintiffs in O.S.No.106/2022 on the file of the Principal Senior Civil Judge, Kalaburagi challenging the judgment and decree dated 19.02.2025.

2. This appeal is listed for admission, the parties have filed a compromise petition under Order XXIII Rule 3 of the Code of Civil Procedure which reads as follows:

In the above case the appellant & respondents most humbly submits as under:

- 1. The appellants & Respondent due to intervention of elders, well wisher, relatives have decided to settle their dispute out of court as under.*
- 2. That the appellants together have agreed to receive the sum of Rs.20,00,000/- in cash as there share in the suit property, the appellant no.1, the appellant no. 2, appellant no.3 have received their share in cash of Rs. 5,00,000/- each and appellants Nos. 4-9 together have received there share in cash of Rs.5,00,000/- and relinquished their rights towards respondent.*
- 3. That as the appellants has received their share in cash in the suit property, therefore*



the appellant henceforth shall have no claim in the suit property in any manner. That the suit property standing in the name of Respondent shall continue to remain in the name of respondent, the appellants having receive their share in the suit property in the cash admits and accepts that the respondent is the absolute owner in exclusive possession of suit property henceforth.

4. *That the appeal kindly be allowed on the terms of the compromise and the parties undertaken have decided to bear their own cost."*

3. In terms of the compromise, the appellants have agreed to receive Rs.20,00,000/- in cash towards their share in the suit schedule property and relinquish all their rights in respect of the suit property in favour of the respondent. The parties are present before the Court and they are identified by their respective counsel. They all admit to the terms of the compromise and also accept that they have entered into the compromise without any fear, undue influence or coercion. They also acknowledge receipt of a sum of Rs.20,00,000/-.



4. Since the compromise is just and lawful, we consider it appropriate to accept the same. Accordingly, the compromise petition is accepted.

5. In view of the above, this appeal stands ***disposed of*** in terms of the compromise.

6. Office is directed to draw a decree in terms of the compromise.

**Sd/-
(R.NATARAJ)
JUDGE**

**Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE**

SHS
List No.: 2 Sl No.: 1