



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 23RD DAY OF FEBRUARY, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE RAJESH RAI K
REGULAR SECOND APPEAL NO. 7141 OF 2013 (PAR)**

BETWEEN:

HANAMANT
S/O LAXMAPPA BIDARI
AGE: 59 YEARS
OCC: AGRICULTURE
R/O LOGANVI
TQ: AND DIST: BIJAPUR-586108.

...APPELLANT

(BY SRI. SANJEEVKUMAR C PATIL., ADVOCATE)

AND:

1. SMT. KASTURIBAI
W/O MALLAPPA KUSUGAL
AGE: 57 YERS
OCC: HOUSEHOLD AND AGRI.,
R/O SECTOR NO.58
PLOT NO.37E ROAD NAVANAGAR
BAGALAKOT, R/O DHANDARAGI
TQ AND DIST: BIDAR-585401
2. GURUNATH S/O LAXMAPPA BIDARI
AGE: MAJOR, OCC: AGRICULTURE
R/O LOGANVI
TQ: AND DIST: BIJAPUR-586108
3. MAHESH S/O RAMACHANDRA BIDARI
AGE: MAJOR, OCC: AGRICULTURE
R/O LOGANVI
TQ AND DIST: BIJAPUR-586108.





4. GANGABAI W/O HEMARADDI
AGE: MAJOR, OCC: HOUSEHOLD
R/O LOGANVI
TQ AND DIST: BIJAPUR.
5. MITTHU S/O SHEETU LAMANI
AGE: MAJOR, OCC: AGRICULTURE
R/O DHANARGI
TQ AND DIST: BIJAPUR-586108
6. MUTTAPPA S/O APPARAYA BAGALI
AGE: MAJOR, OCC: AGRICULTURE
R/O LOGANVI
TQ AND DIST: BIJAPUR-586108
7. VALU S/O PONNU LAMANI
AGE: MAJOR, OCC: AGRICULTURE
R/O LOGANVI
TQ AND DIST: BIJAPUR-586101
8. THE STATE OF KARNATAKA
REPTD. BY DEPUTY COMMISSIONER
BIJAPUR-586101.

...RESPONDENTS

(BY SRI. SUDARSHAN M ADV., FOR R1, R2, R3, R4
SERVED;
THE APPEAL ABATES AS AGAINST R6; V/O DTD
15.04.2025 SMT. ARCHANA P TIWARI, AAG AND
SRI. JAMADAR SHAHABUDDIN, HCGP FOR R8;
NOTICE TO R5 AND R7 IS HELD SUFFICIENT)

THIS RSA IS FILED U/S. 100 OF CPC, PRAYING TO
ALLOW THE APPEAL AND TO SET ASIDE THE JUDGMENT
AND DECREE DATED 10.12.2012 PASSED IN
R.A.NO.154/2008 BY THE III ADDL. DISTRICT JUDGE,
BIJAPUR, CONFIRMING THE JUDGMENT AND DECREE
DATED 19.11.2008 PASSED IN O.S.NO.253/2001 BY THE
PRL. CIVIL JUDGE (SR.DN.), BIJAPUR AND TO GRANT ANY
OTHER RELIEF.



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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV JUDGMENT

This second appeal is preferred by appellant/defendant No.2 challenging judgment and decree in R.A.No.154/2008, dated 10.12.2012, by III Addl District Judge, Bijapur (for short, "First Appellate Court"), whereby the First Appellate Court, confirmed the judgment and decree in O.S.No.253/2001, dated 19.11.2008 by Prl. Civil Judge (Sr.Dn), Bijapur (for short, "Trial Court"). For convenience, parties are referred to their ranks before the Trial Court.

2. Factual matrix of the case is, plaintiff filed the suit for partition and separate possession in respect of properties mentioned in suit schedule A and B properties. Trial Court partly decreed the suit granting 1/8th share in the suit schedule A and B properties, except Sy.No.29. Against the said



judgment and decree, defendant No.2 preferred the appeal in R.A.No.154/2008. The First Appellate Court dismissed the said appeal by affirming the judgment and decree passed by the Trial Court. Hence, this second appeal is filed by defendant No.2.

3. Today, Learned counsel appearing for the respective parties filed a compromise petition under Order 23 Rule 3 r/w Section 151 of CPC. The appellant-defendant No.2 and respondent No.1-plaintiff are present before the Court. It is stated in the compromise petition that the parties have amicably settled their dispute with the intervention of the elder family members and well wishers. The said compromise petition reads thus;

"The petitioners and respondents submit as under:

1. *The respondent No.1/plaintiff herein have filed suit O.S.No.253/2008 for partition and separate possession in respect of suit schedule A and B properties mentioned in the plaint. The Trial Court decreed the suit holding that plaintiff/respondent No.1 is entitled 1/8th share in the schedule A & B properties except Sy.No.29. The appellant*



herein has filed R.A.No.154/2008. The first appellate court confirmed the said decree. Aggrieved by the same appellant herein has filed above appeal. The appellant and respondent No.1 and 2 are brother and sister.

2. That, due to intervention of the elder members of the family, the parties are amicably settled the dispute and have arrived for compromise on the following terms and conditions:

- i. That appellant/defendant No.2, herein agreed to give Rs.1,00,00,000/- (One Crore only) to the respondent No.1/plaintiff, in lieu of her share in suit schedule property item No.9 in 'B' Schedule property bearing CTS No.970A/1 situated at W.No.III of Vijayapur city. Boundaries: East: C.S.No.970A/2, West: C.S.No.969B/2, North: Road, and South Road, measuring 363-90 sq.mtr. The respondent No.1/plaintiff has also agreed to receive the aforesaid amount in lieu of her share in said property.*
- ii. Appellant is agreed to pay Rs.25,00,000/- (Rupees: Twenty five Lakhs Only) on or before 23.03.2026 and remaining amount of Rs.75,00,000/- (Rupees: Seventy Five Lakhs only) will be paid within two months from 23.03.2026. In case, the appellant is failed to pay the amount as agreed above, the appellant is liable to pay interest on the default amount as advisable by the Hon'ble Court.*



- iii. *It is settled and agreed between the parties that, respondent No.1/plaintiff is entitled share in all other properties as per the decree except item No.9 in 'B' Schedule property bearing CTS No.970A/1 situated at Ward No.III of Vijayapur city. Boundaries: East: C.S.No.970A/2, West: C.S.No.969B/2, North: Road, and South Road, measuring 363-90 sq.mtr.*
- iv. *It is further agreed and settled between the parties that, respondent No.1/plaintiff will not claim any right, share or interest in property bearing No.CTS No.970A/1 Boundaries: East: C.S.No.970A/2, West: C.S.No.969B/2, North: Road, and South Road, measuring 363-90 sq.mtr.*
3. *The contents of this compromise petition has been read over to the parties and explained to them in Kannada language, after understanding the same, parties have signed the compromise petition voluntarily without any duress or coercion. This compromise petition binds all legal heirs and successors or any agents on behalf of the parties to the present compromise.*

PRAYER

Wherefore, appellant and respondent No.1 most humbly prayed that this Hon'ble Court may be pleased to modify the judgment and decree dated 10.12.2012 passed in R.A.No.154/2008 by the III-Addl. Dist. Judge, Bijapur and Judgment and decree dated 19.11.2008 passed in O.S.No.253/2001 by the Prl. Civil Judge (Sr.Dn.) Bijapur, in terms of this



compromise petition, in the interest of justice and equity."

4. The condition No.1 of the compromise petition depicts that except suit schedule property item No.9, in schedule 'B' property bearing CTS No.970A/1, the plaintiff is entitled to the share as per the decree of the Trial Court, which was affirmed in the Regular Appeal. In respect of the suit schedule property item No.9, in schedule B property, the appellant/defendant No.2 has agreed to pay a sum of Rs.1,00,00,000/- (One Crore Rupees only) to respondent No.1-plaintiff in lieu of her share in the same. The details of payment to be made are mentioned in the compromise petition. The said compromise is not opposed by any statute or law. Hence, the following;

ORDER

The appeal is ***disposed of*** in terms of the compromise petition.



However, for payment of the amount agreed
by the appellant in terms of compromise petition,
list this matter on 24.03.2026.

Sd/-
(RAJESH RAI K)
JUDGE

MSR
List No.: 1 SI No.: 33
CT-BH