

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.3941 OF 2006

C.G.SRINIVAS, KARNATAKA

.....APPELLANT

VERSUS

B. MANJUNATHA, PRABHU (D) BY LRS.&ORS.

.....RESPONDENTS

O R D E R

This appeal is directed against judgment dated 18.12.2004 of the Division Bench of the Karnataka High Court whereby the appeal filed by respondent No.1, who is now represented by his legal representatives, under Section 299 of the Indian Succession Act, 1925 was allowed.

On 20.01.2011, this Court had referred the matter to the mediation of Mr.Justice R.G.Vaidyanatha, a former Judge of the Karnataka High Court.

Learned counsel for the parties state that the efforts made by the mediator have yielded positive result and the parties have compromised the matter. They have also filed an application under Section 89 of the Code of Civil Procedure read with Rule 29 of the Mediation Rules of Karnataka for disposal of the appeal in terms of the compromise arrived at between the parties. The terms of compromise are as under:

"1. The Respondents No.1(a) to 1(c) who are the contesting Respondents shall pay to the Appellant an amount of Rs. 2.25 Crores (Rupees Two Crores and Twenty Five Lakhs only) in full and final settlement of all his claims against the respondents in respect of the subject matter of the above appeal. The aforementioned amount shall be paid by the Respondents 1(a) to 1(c) to the Appellant in the following manner.

a. A sum of Rs.25,00,000/- (rupees Twenty five Lakhs only) on the date of signing this agreement before the mediator.

b. A sum of Rs 1,00,00,000/- (Rupees One Crore

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only) by way of two cheques on the date of the application being placed before the Hon'ble Supreme Court for orders in terms of the above application.

c. A Sum of Rs 1,00,00,000/- (Rupees One Crore only) shall be paid within 180 days period from the date of signing the application before the mediator.

2. The Appellant shall forthwith file a memo for the dismissal of the suite O.S. No.9416/2001, on the file of the City Civil Judge, Bangalore, against the Respondents 1(a) to 1(c) as withdrawn. The Appellant also agrees to withdraw Civil Appeal No. 3941/2006 pending before the Hon'ble Supreme Court.
3. Both the Appellant and Respondents declare that they have no claim against each other, other than what is set out herein above. The Appellant hereby further declares that the subject matter of the above Civil Appeal namely in respect of Hotel Rajmahal, situated at No.33-34, Near Anandrao Circle, Sheshadri Road, Bangalore-560 009, and the land and buildings and

other assets situated therein, was the subject matter of the probate and succession petition and in view of the above settlement the Appellant hereby declares that he does not claim any right, title or interest in respect of the aforementioned property."

Since the parties have compromised the matter, the appeal is dismissed as withdrawn.

The parties shall be bound by the terms of compromise and they shall act accordingly.

In view of the disposal of the main appeal, the application for impleadment is dismissed as not pressed.

.....J.
(G.S.SINGHVI)

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

NEW DELHI;
SEPTEMBER 29, 2011.

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ITEM NO.112

COURT NO.7

SECTION IVA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 3941 OF 2006

C.G.SRINIVAS, KARNATAKA

Appellant (s)

VERSUS

B. MANJUNATHA, PRABHU (D) BY LRS.&ORS.

Respondent(s)

(With appln(s) for impleadment)

Date: 29/09/2011

This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Appellant(s)

Mr.R.Balasubramaniam, Sr.Adv.

Mr.K.Swami, Adv.

Mrs. Prabha Swami, A.O.R.(Not Present)

For Respondent(s)

Mr.Sanjay Kr.Dubey, Adv.

Mr. A.S. Bhasme, A.O.R.(Not Present)

UPON hearing counsel the Court made the following

O R D E R

Since the parties have compromised the matter, the appeal is dismissed as withdrawn in terms of the signed order.

The parties shall be bound by the terms of compromise and they shall act accordingly.

In view of the disposal of the main appeal, the

application for impleadment is dismissed as not pressed.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed order is placed on the file)