

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).34266/2009

(From the judgement and order dated 14/07/2009 in RSA No.1211/2006
of The HIGH COURT OF KARNATAKA AT BANGALORE)

MUNIYAPPA L.S.

Petitioner(s)

VERSUS

ANJANAPPA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and with prayer
for interim relief and office report)

Date: 27/07/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. S.N. Bhat,Adv.

For Respondent(s) Mr. Kashi Vishweshwar, Adv.
Ms. A. Sumathi,Adv.

UPON hearing counsel the Court made the following
O R D E R

Unregistered interlocutory application for discharge from
the case made by Ms. A. Sumathi, advocate for respondent Nos. 1 to
6, is granted.

Mr. S.N. Bhat, learned counsel for the petitioner, submits
that he has no instructions in the matter.

On March 28, 2011, this Court observed that another effort
should be made to resolve the disputes between the parties by
mediation. A former Judge of Karnataka High Court Justice R.
Gururajan was appointed as the mediator.

Justice R. Gururajan (Retd) has submitted his report to
this Court on May 28, 2012 stating therein that the parties have
settled their disputes amicably and he has found the settlement
reasonable.

Terms of agreement entered into between the parties read as
follows :

"I. The aforesaid Special Leave to Appeal (Civil) was referred
to mediation for resolving the dispute between the parties.
During the course of mediation, both the parties and their
respective Counsels are present and during mediation process,
both the parties have resolved their dispute and have agreed
to the following terms and conditions:

(a) Sri Narayanappa (the original plaintiff) filed a suit in

O.S. No. 253/1992 on the file of the Civil Judge (Junior Divn.,) and J.M.F.C., Hosakote, seeking for the relief of partition, by declaring his half right in the suit schedule properties and by declaring the agreement dated 01.09.1967 and single partition deed dated 01.02.1977 are fabricated and not binding on the plaintiff and for mesne profits and costs and such other reliefs against the defendant Sri L.S. Muniyappa.

(b) Plaintiff Sri Narayanappa died during the pendency of the suit proceedings and his L.Rs. were brought on record. The defendant Sri L.S. Muniyappa is none other than the brother of Sri. Narayanappa, plaintiff in O.S. No. 253/1992. After contest, the suit was dismissed in terms of an order dated 26.08.1999 passed by the Civil Judge (Junior Divn.,) and J.M.F.C. Hosakote.

(c) Aggrieved by the judgment and decree dated 26.08.1999, the plaintiff filed Regular Appeal before the Fast Track Court-V, Bangalore Rural District, Bangalore, in R.A. No. 200/1999. After contest, the Appeal stood dismissed and the judgment and decree of the trial court was confirmed.

(d) Aggrieved by the same, the plaintiff Narayanappa through his L.Rs. filed an Appeal in R.S.A. No. 1211/2006 before the Hon'ble High Court of Karnataka, Bangalore, challenging the judgment and decree of the learned trial Judge confirmed in Regular Appeal. The Hon'ble High Court of Karnataka, Bangalore, after hearing the parties to the case, had chosen to partly allow the Regular Second Appeal in terms of its order dated 14.07.2009. The Hon'ble High Court ruled that the judgments and decrees of the Courts below dismissing the suit of the plaintiff is set aside. The suit filed by appellants/plaintiff (Anjanappa and others) is decreed in part. It was declared that the appellants/plaintiffs (Anjanappa and others) are entitled for one half share in all the properties described in 'A' schedule to the plaint except item No. 2. However, rejection of plaintiff's prayer for share in 'B' schedule property is upheld.

(e) The defendant Muniyappa filed a Special Leave Petition before the Hon'ble Supreme Court of India, in Special Leave Petition (C) No. 34266/2009. The plaintiff-respondent Narayanappa by his L.Rs. also filed Special Leave Petition before the Hon'ble Supreme Court of India, in Special Leave Petition (C) No. 18273/2011.

(f) The Hon'ble Supreme Court referred the Special Leave Petition (C) No. 34266/2009 to Hon'ble Shri Justice R. Gururajan for mediation.

(g) During the course of mediation, the parties have agreed to settle the matter on the following terms:

(1) The parties without any coercion, force, threat or undue influence, on their own free will and volition, voluntarily entered into the following terms:

(a) As per the terms of the settlement, the appellant Muniyappa in S.L.P. No. 34266/2009, i.e., defendant in O.S. No. 253/1992 and respondent in R.A. No. 200/1999 has agreed to withdraw the S.L.P. (C) No. 34266/2009 filed before the Hon'ble Supreme Court by way of settlement between the parties. Similarly, the appellants Anjanappa and others in R.S.A. No. 1211/2006 have agreed to withdraw their S.L.P. (C) No. 18273/2011 filed before the Hon'ble Supreme Court by way of settlement. They have also agreed to abide to the judgment of the Hon'ble High Court of Karnataka, Bangalore, in R.S.A. No. 1211/2006 dated 14.07.2009.

(b) Both the parties have understood the terms of the agreement, Sri. Anjanappa, Sri. Krishnappa, Sri. Ashwathappa, Smt. Jayamma, Smt. Sarojamma and Smt. Seethamma are present and identified by their learned Counsel Sri S.H. Prashanth. Similarly, Sri L.S. Muniyappa is present and he is identified by his learned Counsel Sri M.S. Venugopal (the counsel have also filed Vakalaths for their respective parties).

(h) Both the parties agree and accept that the settlement is fair and reasonable in the given circumstances. The parties have agreed to obtain a final decree in terms of the order of the Hon'ble High Court of Karnataka, Bangalore in R.S.A. No. 1211/2006 dated 14.07.2009 in view of this settlement before the appropriate forum.

II. In view of the terms of the settlement agreed by the parties before the Mediator, both the parties pray that the Hon'ble Supreme Court of India be pleased to dismiss both S.L.P. (C) No. 34266/2009 and S.L.P. (C) No. 18273/2011 accordingly and order for refund, if any, in full."

In view of the above settlement, special leave petition is dismissed.

| (Rajesh Dham)
| Court Master

| | (Renu Diwan)
| | Court Master

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