

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO 8047 OF 2022
(Arising out of SLP (C) No. 6750 of 2010)

YOGEGOWDA(D) TR.LRS. & ORS.

APPELLANT(S)

VERSUS

CHANNEGOWDA (D) THR.LRS. & ORS.

RESPONDENT(S)

J U D G M E N T

Leave granted.

The appellants herein are before this Court assailing the judgment dated 10.09.2009 passed by the High Court of Karnataka, whereby the High Court had concurred with the findings and conclusion of the trial court through its judgment and decree dated 19.06.2000. Through the said judgment the trial court had decreed the suit in part granting 1/5th share to each of the parties. During the pendency of this appeal the parties have negotiated the compromise amongst themselves and have reduced the said compromise into writing through the Memorandum dated 18.10.2022 which is supported by the affidavit of the parties.

It is to be taken note that one among the brothers namely, Shri Saganegowda who was defendant No. 3 in the suit was contended to have left the family much earlier and had resided

separately. Though a share has been assigned to him by the trial court and the said Shri Saganegowda had also independently filed an appeal before the High Court, the said appeal has been withdrawn and has not shown interest in the suit schedule properties. In that view, no share in the properties has been assigned through the Memorandum to Shri Saganegowda.

Further, one other aspect of the matter we have taken note is that one other brother Shri Huchegowda who is the respondent No.2 to this appeal though was served has not appeared and putforth his contentions in this appeal.

However, it is noted that notwithstanding the same, the appellants and the remaining respondents while entering into the compromise have assigned a share in the properties which is in his possession and delineated the same as Schedule- D in the compromise petition. The remaining properties have been apportioned amongst the three other sons of late Thimmegowda namely, Shri Channegowda, Shri Chaluvegowda and Shri Yogegowda as Schedule A,B and C respectively.

In that view having taken note that the parties concerned have been assigned appropriate shares and the Memorandum accepting the compromise is produced before the Court, the same is accepted. Since the copy of the Memorandum of compromise is made available to us at the time of disposal of this appeal and since it is to form a part of this order, the original of the same be filed in the Registry which shall be received and be made a part of this judgment.

The appeal therefore, stands disposed of in terms of the Memorandum of Compromise and the decree of the trial court shall stand modified according to the shares assigned in the Memorandum of Compromise.

It is made clear that since the parties have indicated that they are in separate possession of the shares assigned to them, the parties are at liberty to secure the change of revenue entries based on the compromise petition and which is affirmed by this Court through this judgment.

All pending applications, if any, are also disposed.

.....J.
[A.S. BOPANNA]

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

NEW DELHI;
NOVEMBER 01, 2022

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 6750/2010

(Arising out of impugned final judgment and order dated 10-09-2009 in RFA No. 752/2000 passed by the High Court of Karnataka at Bengaluru)

YOGEGOWDA(D) TR.LRS. & ORS.

Petitioner(s)

VERSUS

CHANNEGOWDA (D) THR.LRS. & ORS.

Respondent(s)

(IA No. 135709/2018 - CLARIFICATION/DIRECTION)

Date : 01-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. P. R. Ramasesh, AOR

For Respondent(s) Mr. V. N. Raghupathy, AOR

Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, Adv.
Mr. Pratul Pratap Singh, Adv.
Mr. Mantavya Sharma, Adv.
Mr. Naresh Kumar, AOR

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

Leave granted.

The appeal stands disposed of in terms of signed judgment.

Pending application(s) shall stand disposed of.

(RAJNI MUKHI)
COURT MASTER (SH)

(Signed judgment is placed on the file)

(DIPTI KHURANA)
ASSISTANT REGISTRAR