



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

REGULAR FIRST APPEAL NO. 668 OF 2022 (PAR)

BETWEEN:

1. SRI SHEENA POOJARY
AGED ABOUT 75 YEARS
S/O LATE CHANDU POOJARY
KALLILU, HADI MANE
GANDHI NAGAR
CHARA VILLAGE AND POST
KARKALA TALUK - 576 112

...APPELLANT

(BY SRI. RAMESHCHANDRA., ADVOCATE)



AND:

1. SMT. KAMALA POOJARTHI
AGED ABOUT 70 YEARS
D/O LATE CHANDU POOJARY
R/O KOLLAGUDDE
CHARA VILLAGE AND POST
KARAKALA TALUK - 576 112
2. SRI ANNAYYA POOJARY
AGED ABOUT 65 YEARS
S/O LATE CHANDU POOJARY



HERGALLU HOUSE
CHARA VILLAGE AND POST
KARAKALA TALUK - 576 112

3. SRI.H.SADHU POOJARY
AGED ABOUT 52 YEARS
S/O LATE CHANDU POOJARY
HADIMANE
CHARA VILLAGE AND POST
KARAKALA TALUK - 576 112

4. SRI KRISHNA POOJARY
AGED ABOUT 58 YEARS
S/O LATE CHANDU POOJARY
HADIMANE
CHARA VILLAGE AND POST
KARAKALA TALUK - 576 112

...RESPONDENTS

(BY SRI. PRAKASH.D.C., ADVOCATE FOR R1 TO R4)

THIS RFA IS FILED UNDER SECTION 96 OF CPC.,
AGAINST THE JUDGMENT AND DECREE DATED 02.03.2022
PASSED IN OS No.98/2017 ON THE FILE OF THE SENIOR CIVIL
JUDGE AND ACJM, KARKALA DECREERING THE SUIT FOR
PARTITION.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL



ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

Heard the learned counsel appearing on both sides.

2. It is submitted that a compromise petition has been filed in this appeal, wherein the parties have entered into an amicable settlement and the terms of the compromise are reduced to writing as follows:

" xxxxxxxx

3.4 The parties acknowledge that the said elders and well-wishers have counselled them to prioritize family relationships over property disputes and have facilitated meaningful discussions between all parties.

3.5 After extensive discussions held in the presence of and with the guidance of the said elders and well-wishers, and considering the interests of all parties, including the valid testamentary disposition made by Late Chandu Poojary, the following settlement has been arrived at:

4. TERMS OF COMPROMISE

4.1 'A' Schedule Property (Will Property):

- *The Respondents 1 to 4 hereby acknowledge and confirm that the 'A' Schedule property (Survey*



No.206, S.D.No.2P2-P1 measuring 2 Acres 50 Cents) was validly bequeathed to the Appellant under the registered Will dated 04-05-1991 executed by Late Chandu Poojary.

- The Respondents 1 to 4 hereby relinquish and waive all their claims, rights, title, and interest, if any, in the 'A' Schedule property in favor of the Appellant, confirming his absolute ownership under the Will.*
- The Appellant shall have exclusive ownership and possession of the 'A' Schedule property and shall be entitled to deal with the same in any manner he deems fit, including sale, transfer, or alienation, as the rightful beneficiary under the Will.*
- The Respondents undertake not to challenge the validity or enforceability of the said Will or the Appellant's title to the 'A' Schedule property in any future proceedings.*

4.2 'B' Schedule Properties (Occupancy Rights Properties):

- The parties agree that the 'B' Schedule properties were granted occupancy rights by the Land Tribunal, Karkala vide order dated 31-12-2011 in TRL No.17/76-77 jointly in favour of all legal heirs of Late Chandu Poojary.*



- *The Appellant, in consideration of his exclusive ownership of the 'A' Schedule property under the Will, hereby relinquishes all his rights, title, and interest in the 'B' Schedule properties in favour of the Respondents 1 to 4.*
- *The Respondents 1 to 4 shall jointly hold and enjoy the 'B' Schedule properties in equal shares of 1/4th each.*
- *The Respondents shall jointly obtain Form No.10 and complete all formalities for mutation of the 'B' Schedule properties in their joint names, excluding the Appellant.*

4.3 General Terms:

- *Each party shall bear their own costs in the trial court proceedings and in this appeal.*
- *All parties mutually release each other from all claims and disputes relating to the suit properties.*
- *This compromise is entered into voluntarily by all parties without any coercion, undue influence, or misrepresentation, and with the blessings and guidance of the family elders and community well-wishers.*
- *The parties acknowledge that this settlement gives effect to the testamentary intention of Late Chandu Poojary while ensuring equitable distribution of the family properties.*



- *The parties express their gratitude to the elders and well-wishers whose timely intervention has helped restore family harmony and avoid further litigation.*

5. PRAYER

Wherefore, the parties jointly and severally pray that this Honourable Court may be pleased to:

- a) Record this compromise petition and the terms of settlement agreed upon by the parties;*
- b) Pass a compromise decree in terms of the settlement recorded herein, confirming the Appellant's title to the 'A' Schedule property under the Will dated 04-05-1991;*
- c) Allow the Regular First Appeal and modify the judgment and decree of the trial court dated 02-03-2022 in accordance with the terms of this compromise;*
- d) Pass such other orders as this Honourable Court deems fit and proper in the circumstances of the case."*

3. The appellant is present in person and the respondents are represented by respondent No.3, who is the Power of Attorney Holder of the remaining respondents as well. The Power of Attorney executed by other respondents is also placed on record by respondent No.3, who is present in person. The parties are identified by the learned counsel appearing on their behalf.



4. In view of the above of the matter, the compromise petition is accepted. The compromise entered into between the parties is recorded.

5. The appeal is ***disposed of*** in terms of the compromise entered into between the parties.

6. The Registry shall draw up the decree accordingly.

All interlocutory applications shall stand dismissed.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**