



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 12647 OF 2025 (GM-CPC)

C/W

WRIT PETITION NO. 32292 OF 2025 (GM-CPC)

IN WP No. 12647/2025

BETWEEN:

1. MR. MUKKARAM JAN
S/O. MR. AZAM JAN,
AGED ABOUT 60 YEARS,
R/AT. GF-1, CAVALCADE APARTMENTS,
NO.5, BENSON ROAD,
BENSON TOWN,
BENGALURU-560 046.
2. MRS. MISBAH JAN,
W/O. MUKKARAM JAN,
AGED ABOUT 54 YEARS,
R/AT. GF-1, CAVALCADE APARTMENTS,
NO.5, BENSON ROAD,
BENSON TOWN,
BENGALURU-560 046.

BOTH THE PETITIONER NO.1 AND 2 ARE
REPRESENTED BY THEIR SPA HOLDER
MR. KISHORE HOSAMANE.

...PETITIONERS

(BY SRI.MANMOHAN P.N., ADVOCATE FOR
SRI. VINAY N., ADVOCATE)

AND:

1. SRI. K, RAMA
S/O. LATE B. KRISHNAPPA,
AGED ABOUT 46 YEARS,





HC-KAR

R/AT. NO.197, DIVINE CITY,
MG ROAD,
CHIKKABALLAPURA TOWN,
CHIKKABALLAPURA.

2. SMT. KEMPAMMA,
W/O.LATE B KRISHNAPPA,
AGED ABOUT 74 YEARS,
3. SRI. K. LAKSHMANA,
S/O. LATE B. KRISHNAPPA,
AGED ABOUT 46 YEARS

BOTH RESPONDENTS NO.2 AND 3 ARE
R/AT.GULYA VILLAGE,
THUBAGERE HOBLI,
DODDABALLAPURA TALUK,
BENGALURU RURAL DISTRICT,
BENGALURU-561 205.

4. SRI. A RAGHUNATH REDDY,
S/O LATE RAGHAVA REDDY,
AGED ABOUT 54 YEARS,
R/AT.GERGIPALLI VILLAGE,
PUNGANUR TALUK,
CHITTOOR DISTRICT,
ANDHRA PRADESH- 517 247.
5. SRI ABHILASH P S
S/O P. SRINIVAS REDDY,
AGED ABOUT 25 YEARS,
R/AT SHANTINAGAR,
DEVANAHALLI TOWN WARD NO.22,
KASABA HOBALI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT- 562 110.
6. SMT. ROOPA,
W/OK RAMA
AGED ABOUT 44 YEARS.
7. SRI VICKY R



S/O K RAMU
AGED ABOUT 24 YEARS,

8. SMT. VIDYA
D/O K RAMA
AGED ABOUT 22 YEARS.
9. SMT. HEMAVATHI,
W/O LAKSHMAN K
AGED ABOUT 41 YEARS
10. SMT.VIKILA L
D/O LAKSHMAN K
AGED ABOUT 22 YEARS
11. SMT.VAISHNAVI L,
D/O LAKSHMAN K
AGED ABOUT 20 YEARS.
12. KUM.PRATIBHA G.L,
D/O. LAKSHMAN K,
AGED ABOUT 17 YEARS
MINOR REPRESENTED BY HER FATHER
K.LAKSHMANA,
S/O. LATE B.KRISHNAPPA

RESPONDENTS NO.6 TO 12 ARE
R/AT. GOOLYANANDIGUNDU VILLAGE,
THUBAGERE HOBLI,
DODDABALLAPURA TALUK,
BENGALURU RURAL DISTRICT,
BENGALURU- 561 203.

...RESPONDENTS

(BY SRI. GANAPATHI BHAT VAJRALLI, ADVOCATE
FOR R1 TO R3 AND R5;
PROPOSED R4,R6 TO R12 ARE SERVED)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER
DATED 14.12.2024 PASSED ON COMPROMISE PETITION FILED
UNDER ORDER 23 RULE 3 OF CODE OF CIVIL PROCEDURE IN OS
NO.638/2024 PASSED IN LOK ADALATH (PRODUCED AS



ANNEXURE-J) AND COMPROMISE DECREE DATED 20.12.2024 DRAWN BY THE COURT OF 1ST ADDITIONAL SENIOR CIVIL JUDGE AND JMFC AT DODDABALLAPUR IN OS NO.638/2024 (PRODUCED AS ANNEXURE-K) AND CONSEQUENTLY REJECT THE COMPROMISE PETITION IN OS NO.638/2024 (PRODUCED AS ANNEXURE-H)

IN WP NO. 32292/2025

BETWEEN:

1. MR. MUKKARAM JAN
S/O. MR. AZAM JAN,
AGED ABOUT 60 YEARS,
R/AT. GF-1,
CAVALCADE APARTMENTS,
NO.5, BENSON ROAD,
BENSON TOWN,
BENGALURU- 560 046.
2. MRS. MISBAH JAN,
W/O. MUKKARAM JAN,
AGED ABOUT 54 YEARS,
R/AT. GF-1, CAVALCADE APARTMENTS,
NO.5, BENSON ROAD,
BENSON TOWN,
BENGALURU- 560 046.

REPRESENTED BY THEIR SPA HOLDER
MR. KISHORE HOSAMANE.

...PETITIONERS

(BY SRI. MANMOHAN P.N,ADVOCATE FOR
SRI. VINAY N.,ADVOCATE)

AND:

1. SMT KEMPAMMA
W/O. LATE B.KRISHNAPPA,
AGED ABOUT 74 YEARS,
R/AT. GULYA VILLAGE,
THUBAGERE HOBLI,



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DODDABALLAPURA TALUK,
BENGALURU RURAL DISTRICT,
BENGALURU- 561 205.

2. SRI. K. RAMA
S/O. LATE B. KRISHNAPPA,
AGED ABOUT 46 YEARS,
R/AT. NO.197, DIVINE CITY,
M.G ROAD,
CHIKKABALLAPURA TOWN,
CHIKKABALLAPURA- 562 101.
3. SRI. K. LAKSHMANA
S/O. LATE B. KRISHNAPPA
AGED ABOUT 46 YEARS,
R/AT. GULYA VILLAGE,
THUBAGERE HOBLI,
DODDABALLAPURA TALUK,
BENGALURU RURAL DISTRICT,
BENGALURU- 561 205.
4. MR. A. RAGHUNATH REDDY
S/O. MR. RAGHAV REDDY,
AGED ABOUT 54 YEARS,
R/AT. GERIGIPALLI VILLAGE,
PUNGANOR TALUK,
CHITTOOR DISTRICT,
ANDHRA PRADESH-517 247.
5. MR. ABHILASH P.S
S/O. MR. P. SRINIVAS REDDY,
AGED ABOUT 25 YEARS,
R/AT. SHANTHINAGAR,
DEVANAHALLI,
KASABA HOBLI,
DEVANAHALLI TALUK,
BENGALORE RURAL DISTRICT- 562 110.

...RESPONDENTS

(BY SRI.GANAPATHI BHAT VAJRALLI.,ADVOCATE FOR R1 TO
R3, R4-SERVED)



THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DTD. 25.09.2025 PASSED ON IA NO.1 PASSED BY THE COURT OF SENIOR CIVIL JUDGE, DODDABALLAPURA PASSED IN O.S.NO. 1375/2025 (PRODUCED AS ANNEX-X).

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

Since both the petitions are in relation to the same subject matter and between the same parties, they are taken up together for consideration by way of this common order.

2. In W.P.No.12647/2025, the petitioners seek the following reliefs:

“(i) Set aside the order dated 14.12.2024 passed on compromise petition filed under Order 23 Rule 3 of Code of Civil Procedure in OS No.638/2024 passed in Lok Adalath (produced as Annexure-‘J’) and compromise decree dated 20.12.2024 drawn by the court of 1st Additional Senior Civil Judge at Doddaballapur in OS No.638/2024 (produced as Annexure-‘K’) and consequently reject the compromise petition in OS No.638/2024 (produced as Annexure-‘H’)

(ii) Pass such other and further orders as deemed fit in the facts and circumstances of the case and in the interest of justice and equity.



(iii) Issue Writ of Certiorari and quash the sale deed dated 05.05.2025 executed by the Respondent No.1 to 3 and Respondents No.6 to 12 in favour of the Respondent No.4 and 5 registered as Document No.1820/2025-26 in the office of the Sub-Registrar, Devanahalli (produced as Annexure-N)."

3. In W.P.No.32292/2025, the petitioners seek the following reliefs:

*"(i) Set aside the order dated 25.09.2025 passed on IA No.1 passed by the Court of Senior Civil Judge, Doddaballapura passed in O.S.No.1375/2025 (produced as Annexure-X) and
(ii) Pass such other and further orders as deemed fit in the facts and circumstances of the case and in the interest of justice and equity."*

4. Heard both sides and perused the material on record.

5. A perusal of the material on record will indicate that respondent No.1 in W.P.No.12647/2025 instituted a suit in O.S.No.638/2024 against his mother, respondent No.2 and brother-respondent No.3 for partition and separate possession of his alleged share in the suit schedule immovable property and for other reliefs. In the said suit, respondents Nos.1 to 3 filed a Joint Compromise Petition, which culminated in a Lok Adalath award dated 14.12.2024 and a Compromise Decree was drawn up on 20.12.2024. Subsequently, the petitioners herein claiming



independent right, title, interest and possession over the suit schedule property, which was the subject matter of the suit and the Compromise Decree/Lok Adalath award filed an application under Order 23 Rule 3A CPC seeking setting aside of the Compromise Decree / Lok Adalath award, which was rejected by the Trial Court vide order dated 05.04.2025. Under these circumstances, the petitioner approached this Court by way of W.P.No.12647/2025, in which this Court passed the following interim orders dated 29.04.2025 and 03.09.2025, which read as under:

“Heard.

Issue notice to the respondents.

Stay of order dated 14.12.2024 passed on compromise petition in the Lok Adalath in O.S.No.638/2024 on the file of I Addl. Civil Judge and JMFC, Doddaballapura, till the next date of hearing.”

“The petitioners are before this Court calling in question a compromise entered into between the parties in OS No. 638 of 2024, whereby the property that is owned by the present petitioners is made the suit schedule property in a suit for partition long after the sale in their favour and the matter is closed on entering into a compromise, whereby the respondents gets the share of the property of which the petitioners are the owners. All of this happened without the petitioners being made a party to the proceedings. Therefore



the petitioners have preferred the subject petition for recalling the compromise entered into between the respondents before the Lok Adalat.

The learned counsel for the petitioners Sri. Manmohan P.N., submits that despite grant of an interim order on 29.04.2025, the respondents have again sold the property to third parties and therefore he has filed application seeking to implead those third parties and the parties who were responsible for the said sale as party respondents to these proceedings. The impleading application, on the aforesaid score, is therefore requires to be considered.

As observed hereinabove, the interim order was granted on 29.04.2025 and the sale deed is entered into on 05.05.2025. Therefore, the sale is admittedly contrary to the interim order that was granted. Be that as it may, after the appearance of the impleading applicants, the issue whether the respondents who have now sold the property in favour of the purchasers is guilty of any contempt would be noticed.

In the light of the sale taking place after the interim order, as also the act of the respondents as noticed hereinabove, the present respondents or the other impleading applicants who are now wanting to claim their right over the sale that is made after the interim order, are restrained from interfering with the possession of the petitioners.

Issue emergent notice on I.A.No.1 of 2025 filed seeking impleadment, returnable by 19.09.2025.

List the matter on 19.09.2025.”



The interim order that is subsisting shall also continue till the next date of hearing.”

6. Subsequently, respondent Nos.1 to 5 filed a suit in O.S.No.1375/2025 on 25.09.2025 against the petitioners and other defendants for declaration, permanent injunction and other reliefs in relation to the very same suit schedule immovable property. In the said suit, respondent Nos.1 to 5 filed two applications Viz.,I.A.No.1 for temporary injunction restraining the defendants from interfering with their alleged possession and enjoyment of the suit schedule property and I.A.No.2 restraining the defendants from alienating, encumbering, disposing of or creating third party rights over the suit schedule property. By the impugned order dated 25.09.2025, the Trial Court has passed an ad interim exparte order of temporary injunction on I.A.No.2, thereby directing the petitioners and other defendants not to create third party rights over the suit schedule property in any mode or manner, till the next date of hearing, but directed issuance of suit summons and emergent notice on I.A.No.1 for temporary injunction filed by the plaintiffs. Aggrieved by the said ad interim exparte order of temporary



injunction passed on I.A.No.1 dated 25.09.2025, the petitioners have preferred W.P.No.32292/2025.

7. Learned counsel for the respondents on instructions submits that since the petitioners are not parties to the Compromise Decree / Lok Adalath Award 20.12.2024, which was passed *inter se* between respondent Nos.1 to 3 i.e. Smt. Kempamma and her two sons and the respondents do not have any objection for the said compromise decree/ Lok Adalath Award to be set aside and the matter may be remitted back to the Trial Court for reconsideration of the said suit in O.S.No.638/2024, afresh, by impleading/adding the petitioners as additional defendant Nos.3 and 4 to the said suit, by leaving open all contentions. It is also submitted that subsequent suit in O.S.No.1375/2025 is pending before the Senior Civil Judge at Doddballapura, the aforesaid suit in O.S.No.638/2024 may be withdrawn from the Court of the I Additional Senior Civil Judge Dodballapura and transferred to the Court of the Principal Senior Civil Judge, Doddaballapur, to be clubbed, consolidated, tried and disposed of along with O.S.No.1375/2025 and in accordance with law and the Trial Court before whom O.S.No.1375/2025 is posted



on 23.03.2025 may be directed to consider and pass appropriate orders on I.A.Nos.1 and 2, in accordance with law, within a stipulated time frame, by leaving open all contentions.

8. Per contra, by way of reply, learned counsel for the petitioners submits that the Compromise Decree may be set aside and the suit in O.S.No.638/2024 restored to the file of the I Additional Senior Civil Judge at Doddablallapur and further directed to be withdrawn from the said Court and to be transferred to the court of the Principal Senior Civil Judge, Dodddaballapur, wherein O.S.No.1375/2025 is pending and applications I.A.Nos.1 and 2 may be disposed of within a stipulated time frame, without being influenced by any findings and observations recorded in the present order and by leaving open all contentions.

9. In view of aforesaid facts and circumstances, I deem it just and appropriate to allow W.P.No.12647/2025 and dispose of W.P.No.32292/2025 by issuing certain directions.

10. In the result, I pass the following:

ORDER

(i) W.P.No.12647/2025 is hereby allowed.



- (ii) The impugned Lok Adalath Award dated 14.12.2024 and the consequent Compromise decree dated 20.12.2024 passed in O.S.No.678/2024 by the I Additional Senior Civil Judge, Doddaballapur, is hereby set aside.
- (iii) The petitioners in both petitions are directed to be impleaded as additional defendant Nos.3 and 4 in the said suit in O.S.No.638/2024.
- (iv) The suit in O.S.No.638/2024 is restored to the file of the Trial Court.
- (v) The registry of the Trial Court is directed to withdraw the said O.S.No.638/2024 from the file of the I Additional Senior Civil Judge, Doddaballapur and transfer the same to the Court of the Principal Senior Civil judge, Doddaballapur to be consolidated, clubbed, tried and disposed of, together with O.S.No.1375/2025, in accordance with law.
- (vi) The parties shall appear before the Trial Court, i.e., the Principal Senior Civil Judge, Doddaballapur, on 23.03.2024.



- (vii) W.P.No.32292/2025 is hereby disposed of.
- (viii) The Trial Court, before whom the said suit O.S.No.1375/2025 is said to be posted on 23.03.2025, is directed to consider and pass appropriate orders on IA Nos.1 and 2 filed in the said suit within a period one month from 23.03.2026.
- (ix) The petitioner is at liberty to file objections, written statement, documents etc., in O.S.No.1375/2025 on 23.03.2025.
- (x) It is further directed that till disposal of IA Nos.1 and 2 in O.S.No.1375/2025, both parties are directed not to alienate, encumber, dispose of or create third party rights over the suit schedule property involved in both O.S.Nos.638/2024 and 1375/2025.
- (xi) The Trial Court is directed to dispose of I.A.Nos.1 and 2 without being influenced by findings and observations recorded in the present order.
- (xii) Except setting aside of the Compromise Decree / Lok Adalath Award as sought for by the petitioners in



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W.P.No.12642/2025, the remaining prayers are not dealt with for the purpose of the present order.

- (xiii) It is further directed that without prejudice to the rights and contentions of the parties, both parties shall maintain *status quo*, in all respects as on today, in relation to the suit schedule property, involved in both O.S.Nos.638/2024 and 1375/2025, till disposal I.A.Nos.1 and 2 in O.S.No.1375/2025, as stated *supra*.
- (xiv) All rival contentions on all aspects of the matter are kept/left open and no opinion is expressed on merits/demerits of the rival contentions.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE