

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF DECEMBER, 2022

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION No.35978/2011 (GM-RES)

BETWEEN:

SRI D.C. RAJAREDDY,
S/O. SRI CHINNAPPA,
AGED ABOUT 39 YEARS,
RESIDING AT NO.10,
D.C. RAJAREDDY COMPOUND,
DODDANAGAMANGALA VILLAGE,
ELECTRONIC CITY POST,
BEGURU HOBLI,
BANGALORE SOUTH TALUK ,
BANGALORE RURAL DISTRICT.

... PETITIONER

(BY SRI V.S. HEGDE, ADVOCATE)

AND:

1. THE JOINT REGISTRAR OF REGIONAL
CHIT & CO-OPERATIVE SOCIETIES,
BANGALORE REGION,
CHAMARAJAPETE,
BANGALORE - 560 018.
2. THE DEPUTY REGISTRAR - 2
OF DISTRICT CHITS,
BANGALORE DISTRICT, MARGOSA ROAD,
MALLESHWARAM,
BANGALORE - 3.
3. SRI GOWRI GANESHAA
CHITS PRIVATE LIMITED,
REGISTERED & CORPORATE OFFICE,
#307, 1ST FLOOR, IIND MAIN,

7TH CROSS, DOMLUR LAYOUT,
BANGALORE – 560 071
REPRESENTED BY ITS
LEGAL OFFICER
ASHWINI S JAGADI.

... RESPONDENTS

(BY SRI K.S. ARUN, HCGP FOR R-1 & R-2;
SRI R. GOPAL REDDY, ADVOCATE FOR R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 20.06.2011 VIDE ANNEXURE-C PASSED IN JRB/CHITS/APPEAL/18/2010-11 BY THE R1-APPELLATE AUTHORITY AND CONSEQUENTLY ALLOW THE APPEAL OF THE PETITIONER IN JRB/CHITS/APPEAL/18/2010-11 ON THE FILE OF THE R-1 APPELLATE AUTHORITY AT BANGALORE AND ETC.

THIS WRIT PETITION COMING ON FOR FINAL HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

The petitioner in this writ petition is challenging the award dated 12/07/2010 passed in DRB/CFS/Case No.1818/2009-10, by the 2nd respondent vide Annexure-C and order dated 20/06/2011 passed in JRB/CHITS/APPEAL/18/2010-11, by the 1st respondent-Appellate Authority vide Annexure – F.

2. Today (16/12/2022), the learned counsel for the petitioner and 3rd respondent have filed compromise petition under Order XXIII Rule 3 Read with Section 151 of

the Code of Civil Procedure, 1908 duly signed by the petitioner as well as 3rd respondent and the compromise petition reads as under:

"3. The petitioner and respondent No. 3 admit that the petitioner has been the prized subscriber of Ticket No. 19, in Group-AIS-02 allotted by respondent No.3 company and the chit value was Rs.20,00,000/- on the basis of monthly subscription of Rs. 50,000/- for a period of 40 months.

4. The petitioner and respondent No.3 concede that in view of dismissal of Order JRB/CHITS/APPEAL/18/2010-11 and the Order D.R.B.-2/C.F.S-1818/2009-10, the petitioner herein has filed the present Writ Petition. After filing of the Writ Petition, this Hon'ble Court has passed an Interim Order dated 17/11/2011 directing the petitioner herein to deposit the 25% of the award before this Hon'ble Court. Accordingly, the petitioner herein has deposited a sum of Rs. 1,00,000/- before this Hon'ble Court.

5. The petitioner and respondent no. 3, recently, the petitioner herein and respondent

no.3 herein have agreed to settle the matter amicably. Accordingly, the petitioner herein has agreed to pay a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) to respondent no.3, and respondent no.3 has agreed to receive the said amount from the petitioner as a full and final settlement.

6. The petitioner and respondent no. 3 submits that the petitioner herein has issued a Demand Draft vide D.D. No.001951 dated 03/12/2022 drawn on Chartered Sahakari Bank Niyamitha in favour of respondent no. 3 herein. Further, respondent no.3 herein has also agreed to receive the said amount from the petitioner herein as a full and final settlement.

7. The petitioner and respondent no. 3 herein submits that the petitioner is entitled to withdraw the amount i.e, Rs.1,00,000/- (Rupees One Lakh) deposited by the petitioner before this Hon'ble Court at the time of Granting an Interim Order. Further, respondent no. 3 have no objection to receiving the amount deposited by the petitioner in his favour.

8. The petitioner and respondent no. 3 covenant and declare there is no coercion, intimidation, or outside force in entering into this compromise petition between the parties."

3. The petitioner and 3rd respondent are present before the Court and on query made by this Court, they stated that they have settled the matter amicable as per the terms of the compromise petition and accordingly, filed compromise petition without any coercion or any undue influence.

4. The compromise petition is taken on record.

5. The petitioner and the 3rd respondent have agreed to settle the matter amicably and accordingly, the entire amount of Rs.4,00,000/- (Rupees four lakh only) has been paid to 3rd respondent and the same is acknowledged by 3rd respondent. The compromise petition forms part and parcel of this order.

Accordingly, in view of the compromise petition filed by the petitioner, the writ petition stands ***disposed of.***

6. This Court vide interim order dated 17/11/2011 stayed the impugned order directing the petitioner to deposit 25% of the award amount before this Court within four weeks. Accordingly, the petitioner has deposited a sum of Rs.1,00,000/- before this Court. The registry is directed to release the said sum of Rs.1,00,000/- in favour of the petitioner on proper identification.

**SD/-
JUDGE**

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