



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF AUGUST, 2024

BEFORE

THE HON'BLE MR JUSTICE ASHOK S.KINAGI

REGULAR SECOND APPEAL NO.1724 OF 2015 (DEC)

BETWEEN:

1. SRI T SRINIVASA
S/O LATE SRI THIMMAIAH,
SINCE DEAD BY HIS LR'S
- 1(A) *SMT SUNANDAMMA
W/O LATE SRI. T. SRINIVASA
AGED ABOUT 52 YEARS
R/O DOOR No.603, 3RD CROSS,
MASJID ROAD, NAZARBAD MOHALL
MYSURU - 570 010
- 1(B) SMT. USHA S
D/O LATE T. SRINIVASA
W/O SRI. PRASHANTH M.G.
AGED ABOUT 29 YEARS
PRESENTLY R/AT No.103, 'PIONEER PARADISE'
APARTMENT RAGHAVANA PALYA
J.P. NAGAR, 9TH PHASE
BENGALURU - 560 083

...APPELLANTS

(BY SRI. SOMASHEKARA K M., ADVOCATE)

AND:

SMT L RAJANI
W/O SRI M. MAHADEVIAH,
AGED ABOUT 42 YEARS,
R/O NO.18
BEHIND WATER TANK

**Corrected vide Court order dated 09.09.2024*



TRIVENI NAGAR,
T.NARASIPURA TOWN,
MYSURU DISTRICT - 571 124.

...RESPONDENT

(BY SRI. MAN MOHAN P.N., ADVOCATE)

THIS RSA IS FILED UNDER SEC.100 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 1.7.2015 IN RA NO.38/2013 ON THE FILE OF THE V ADDITIONAL DISTRICT & SESSIONS JUDGE, MYSURU, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 6.11.2012 IN OS NO.344/2007 ON THE FILE OF THE PRINCIPAL JUDGE, SMALL CAUSES AND SENIOR CIVIL JUDGE, MYSURU.

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

CORAM: HON'BLE MR JUSTICE ASHOK S.KINAGI

ORAL JUDGMENT

The appellants No.1(a) and 1(b) and respondent are present before this Court. They are identified by their respective counsel. They have filed a joint memo. The joint memo reads as under:

"The appellant submit that he has filed the suit for declaration of title and permanent injunction and the same came to be dismissed by judgment and decree dated 06/11/2012. Aggrieved by the said judgment, the appellant has preferred an appeal vide R.A.No.38/2013 before the 5th Addl.



District and Sessions Judge, Mysore. But the said appeal also came to be dismissed by the judgment dated 01/07/2015. Aggrieved by the judgment and decree of the courts below, the appellant herein preferred this appeal.

At the intervention of the friends and well-wishers, the parties are decided to resolve the dispute. In furtherance of the same, the respondent Smt. L. Rajani has executed a registered sale deed dated 22/07/2024 vide document No.MYN-1-04135-2024-25, dated 26/07/2024 before the Senior Sub-Registrar, Mysore North and thereby the respondent has sold and conveyed the absolute rights and possession in favour Smt. Sunandamma, W/o Late T. Srinivas and Smt. Usha S., D/o Late T. Srinivas in respect of the suit schedule property by executing the above referred sale deed. The appellants have been in undisputed possession and enjoyment of the suit schedule property.

The respondent declare that, forthwith the execution of sale deed in favour of the appellant, she conveyed the absolute rights and put them in possession of the suit schedule property. Herein afterwards, the respondent has no rights, possession and whatsoever over the suit schedule property."



2. The contents of the joint memo is read over to them in the language known to them. They have understood and accepted the terms and conditions of the joint memo.

3. The joint memo is accepted.

4. Accordingly, the appeal is dismissed as not pressed. Draw decree in terms of the joint memo.

SD/-
(ASHOK S. KINAGI)
JUDGE

RD