



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 4TH DAY OF APRIL, 2024

BEFORE

THE HON'BLE MR JUSTICE HANCHATE SANJEEVKUMAR

REGULAR SECOND APPEAL NO. 100890 OF 2014

BETWEEN:

SOMAWWA (MALLAWWA)
W/O. RUDRAPPA HEGGANI,
AGE: 61 YEARS, OCC: HOUSEHOLD,
R/O. GUNDENHATTI - 591106
TALUKA: KHANAPUR, DIST: BELAGAVI
NOW RESIDING AT BAILUR-591149
TALUKA: BAILHONGAL, DIST: BELAGAVI

...APPELLANT

(BY SRI SHRIPRASAD J. JOSHI, ADVOCATE)

AND:

RUDRAPPA BASAVANNEPPA HEGGANI,
AGE: 66 YEARS, OCC: AGRICULTURE,
R/O. GUNDENHATTI-591 106
TALUKA: KHANAPUR, DIST: BELAGAVI

...RESPONDENT

(BY SRI DINESH M. KULKARNI, ADVOCATE (ABSENT))



THIS REGULAR SECOND APPEAL IS FILED UNDER SECTION 100 READ WITH ORDER XLII RULE 1 CODE OF CIVIL PROCEDURE, 1908, PRAYING TO SET ASIDE THE JUDGMENT AND DECREE DATED 09.04.2010 PASSED IN R.A.NO.93/2008 (OLD NO.77/2005) ON THE FILE OF THE SENIOR CIVIL JUDGE, KHANAPUR, AND TO RESTORE THE JUDGMENT AND DECREE DATED 23.03.2004 PASSED IN O.S.NO.221/1998 ON THE FILE OF THE PRINCIPAL CIVIL JUDGE, (JR.DN) AND JFMC, KHANAPUR, DECREETING THE SUIT FILED FOR MAINTAINANCE, BY ALLOWING THIS APPEAL AND ETC.,.

THIS APPEAL COMING ON FOR FURTHER ORDERS THIS DAY, THE COURT DELIVERED THE FOLLOWING:



JUDGMENT

Learned counsel for the appellant and the appellant are present. The respondent is present. Learned counsel for the respondent is absent. Both the appellant and the respondent have filed joint compromise petition under Order 23 Rule 3 of CPC stating that both have amicably compromised the matter and accordingly they have filed joint compromise petition.

2. It is agreed by both the parties and stipulated in the compromise petition that the respondent has paid a sum of Rs.3,80,000/- (Three Lakh Eighty Thousand Rupees) to the appellant. Upon enquiry, the appellant has stated that she has received the amount of Rs.3,80,000/- from the respondent towards full and final settlement between the parties. Upon enquiry by the Court they have stated that on their own will and wish and with all consciousness they have compromised the matter with each other. Therefore both the appellant and respondent



have requested to dispose of the appeal in terms of the compromise petition.

3. In the compromise petition at paragraph No.9 it is stipulated that the appellant do not contest the other claims pending before the revenue authorities in view of this compromise. Further submitted, the said amount of Rs.3,80,000/- received by the appellant from the respondent is towards full and final settlement of the dispute.

4. To this compromise petition, the learned counsel for the appellant has affixed his signature. The compromise petition do not carry signature of learned counsel for the respondent. The learned counsel for respondent is absent. However the respondent himself is present before the Court and stated that he has compromised the matter with the appellant, in the result of which the joint compromise petition is filed today. Hence placing the joint compromise petition on record, this Regular Second Appeal is disposed of.



5. Draw decree in terms of the compromise petition. Copy of the compromise petition shall be the part and parcel of the decree.

Sd/-
JUDGE

MRK
CT:ANB
List No.: 1 Sl No.: 13