

CHIKKATAYAMMA AND ORS.

A

v.

R. BALAKRISHNAPPA AND ORS.

JULY 23, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

B

*Property dispute—Appeal—Settlement of dispute by parties—Compromise deed filed in Supreme Court—Disposal of appeal in terms of compromise deed—Held in that view of the matter, the respondent has no manner of right or interest in respect of the claims and in respect of the interest held by the appellants 4 and 6.*

C

CIVIL APPELLATE JURISDICTION : Civil Appeal No.6149 of 1983.

From the Judgment and Order dated 4.9.80 of the Karnataka High Court in R.S.A. No. 986 of 1974.

D

Uma Nath Singh, (NP), P.P. Singh and Chander Sekhar for the Appellants.

S.R. Setia, Ms. S. Inna and Syed Naqvi for the Respondents.

E

The following Order of the Court was delivered :

Application for impleadment is ordered.

We are happy to note that pursuant to the observations made by this Court on January 16, 1996 the parties have settled the dispute and filed their Compromise Memo before us. We receive the Compromise Memo which reads as under :

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"(a) 2 acres 20 Gunthas in 'B' schedule property out of 6 acres 8 gunthas in Survey No. 194 as mentioned in item No. 3 above, where a 30 feet road goes in the centre of the said property from North to South side and Vijayappa will retain to himself as his share 2 acres 20 gunthas towards the western side of the road towards the North side of the property in the abovestated Survey No. 194 and the remaining portion goes to the Respondent R. Balakrishnappa,

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A        Vijayappa and Balkrishnappa each has to leave 15 feet for the formation of 30 feet road at the centre, which goes from North to South of the property from their individual shares which they get in Survey No. 194, and existing road in the above Survey No. 194 which runs from East to West should be retained and should be used as common passage for all.

B

(b) 3 acres 18 gunthas in Survey No. 10 as mentioned in 'D' schedule.

(c) House property as mentioned in 'F' schedule.

C

(2) The following properties will remain with Shri H. Nagarajappa, the Appellant No. 6 herein, the properties which he had purchased from the Appellants herein by registered Sale Deeds dated 10.4.1961, to the extent of 4 acres 8 gunthas out of 6 acres 8 gunthas from Survey No. 15, which has already been alienated by H. Nagarajappa in favour of his son Malikarjunappa.

D

(3) From Survey No. 194 R. Vijayappa had sold 1 acre and 8 Gunthas to N. Malikarjunappa son of H. Nagarajappa, Appellant No. 6 herein, for a sum of Rs. 50,000 by way of Sale Deed dated 24.6.1995. It is hereby agreed that the said Malikarjunappa will sell the said land back to Vijayappa for the same amount of Rs. 50,000 and that Vijayappa will get the said land registered in his name after this Hon'ble Court passes the Order in terms of this Compromise Application.

E

F

(4) The following properties will go to Balakrishnappa, Respondent No. 1 herein, out of the petition properties.

(a) 3 acres 26 gunthas in 'B' Schedule property in Survey No. 194 which is the remaining portion of the said schedule property, after R. Vijayappa, the Appellant No. 4 herein retains 2 acres 20 Gunthas as his share.

G

It is also hereby agreed that both Vijayappa and Balakrishnappa each have to leave 15 feet from their individual share out of this Survey Number for the purposes of the road to be formed at the centre of the property and further the existing road from East to West would be retained and used as common passage for all.

H

(b) Remaining 2 acres in 'A' Schedule property to the South side of the property from Survey No. 15. A

(c) 0.25 Gunthas in 'C' Schedule property in Survey no. 82; and

(d) House property in 'E' schedule property.

7. Rathnamma, the Appellant No. 3 and Girijamma, Appellant No. 5 have also consented for the division of the said schedule property as they have no claim over the petition schedule properties." B

The appeal is disposed of in terms of the Compromise Memo. In that view of the matter, the respondent has no manner of right or interest in respect of the claims and in respect of the interest held by the appellants 4 and 6. No costs. C

T.N.A.

Appeal disposed of.