

(2011) 01 KAR CK 0118

In the Karnataka High Court

Case No : Regular Second Appeal No. 2651 of 2007

Muni Reddy Since Dead by L.Rs. (Munipapamma Reddy and Others) and Krishna Reddy Since Dead by L.Rs. (Lakshamma, Venkataramna Reddy, Gangojamma and Thulasamma) APPELLANT

Vs

Raghunatha Reddy and Lakshmana Reddy Since Dead by L.Rs. (Muniyamma Reddy, Shankar Reddy and Parvathamma) and Balakrishna Reddy RESPONDENT

Date of Decision : 10-01-2011

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 23 Rule 3

Citation : (2011) 01 KAR CK 0118

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : G. Papi Reddy and Vinod Reddy, for the Appellant; L. Vijaykumar, for the Respondent

Judgement

Huluvadi G. Ramesh, J.—Counsel appearing for the Respondents has filed a Memo along with the general power of attorney executed by Respondent No. 1 in favour of his son to enter into compromise.

2. Both the Appellants as well as the Respondents having entered into compromise filed the joint application under Order 23 Rule 3 of Code of Civil Procedure, which reads as under:

1. The Appellants and Respondents are the members of Hindu undivided Joint Family. The properties involved in the above appeal are belongs to joint family. There is no partition among them in respect of joint estate by meets and bounds. Now they are amicably settling the dispute involved in the above appeal by mutual agreement.

2. The deceased Appellant-1. Muni Reddy and deceased Respondent-2 Lakshmana Reddy were brothers representing the branch of Rama Reddy. The

deceased Appellant-2 Krishna Reddy, Respondent-1 Raghunatha Reddy and deceased father of Respondent-3 namely late Jayarama Reddy represented the branch of Subba Reddy. The said Rama Reddy and Subba Reddy had a brother by name Chinnappa Reddy and all of them are sons of common ancestor Muni Reddy. The said Chinnappa Reddy had two wives namely Reddamma and Siddamma. Reddamma was Plaintiff-3 and Siddamma was Defendant-1 in suit. O.S. 19/1981, The said Reddamma and Siddamma had no issues at all and both of them died while the matter was pending before the court below. Since the Chinnappa Reddy had no issues and his two wives Reddamma and Siddamma also died subsequently to filing of the suit, the undivided share of Reddamma and Siddamma had devolved upon the decedents of Rama Reddy and Subba Reddy. Thus, the Appellants and the Respondents are entitled to share their joint estate i.e., the properties involved in the above appeal by effecting partition with meets and bounds. Now they have divided the properties involved in the above appeal among them into five shares described in A, B, C, D & E schedule hereto. The properties described in A schedule are allotted to the share of the legal representatives of deceased Appellant-1. The legal representatives of deceased Appellant-1 have accepted the A schedule properties to their share.

3, Similarly the properties described in the B schedule, C schedule, D schedule and E schedule properties are allotted to the legal representatives of Respondent-2, legal representatives of Appellant-2 and Respondent-1 and Respondent-3 respectively. The legal representatives of Respondent-2 and Appellant-2 have accepted B schedule and C schedule properties towards their respective shares. In the same manner the legal representatives of deceased Respondent-2 and Respondent-3 have accepted D schedule and E schedule properties to their respective shares.

4. The legal representatives of the deceased Appellant-1, the legal representatives of deceased Respondent-2 and legal representatives of deceased Appellant-2 are put in physical possession of their properties allotted to their respective shares herein. Like wise the Respondents-1 and 3 are also put in physical possession of their respective shares of the properties allotted to them. All the sharers are entitled to hold, possess and enjoy the respective shares of properties as absolute owners without any claims disturbances from each other.

5. The legal representatives of deceased Appellant-1, the legal representatives of deceased Respondent-2 and legal representatives of deceased Appellant-2 are entitled to get their names registered as kathadars in respect of A, B and C schedule respectively. In the same manner the Respondent-1 and Respondent-3 are also entitled to get their names as kathadars in respect of D and E schedule respectively. The sharers herein stated that they have no claims against each other.

6. The parties hereto hereby declare that the terms of settlement reached and agreed shall be final and conclusive and same shall not be re-opened under any circumstances.

3. In view of the terms of settlement, the son of Respondent No. 1 is permitted to enter into compromise on the basis of the general power of attorney executed in his favour. Appeal is disposed of in terms of the joint memo filed. Decree be drawn in terms of the settlement Misc. Cvl. 764/2011 filed for settlement is also disposed of, accordingly.