

Sri.E.Venugopal vs E.Sampath Kumar

Sri.E.Venugopal vs E.Sampath Kumar

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Court : Karnataka

Decided On : Sep-25-2025

Judge : Anu Sivaraman,Rajesh Rai K

Appeal No. : RFA/1518/2022

Appellant : Sri.E.Venugopal

Respondent : E.Sampath Kumar

Judgement :

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2025 PRESENT THE HON'BLE MRS. JUSTICE ANU SIVARAMAN AND THE HON'BLE MR. JUSTICE RAJESH RAI K REGULAR FIRST APPEAL NO. 1518 OF 2022 (PAR) BETWEEN:

1. SRI E. VENUGOPAL S/O LATE E. KRISHNAMACHAR AGED ABOUT 67 YEARS.
2. SMT. VATSALA W/O E. VENUGOPAL AGED ABOUT 64 YEARS.

3. SMT. V. SUMA D/O E. VENUGOPAL AGED ABOUT 41 YEARS.

4. V. SUNIL KUMAR

S/O E. VENUGOPAL Digitally signed AGED ABOUT 39 YEARS. by CHANNEGOWDA PREMA ALL ARE RESIDENTS OF Location: High Court of TEMPLE STREET, DODDAMALUR Karnataka CHANNAPATNA TALUK - 562 138 RAMANAGARA DISTRICT. APPELLANTS (BY SRI. ANANDARAMA K., ADV.) AND:

1. E. SAMPATH KUMAR

AGED ABOUT 85 YEARS S/O LATE E. KRISHNAMACHAR -2- R/AT No.39, 1ST MAIN 1ST STAGE, KHB COLONY BENGALURU - 560 079 SINCE DECEASED REPRESENTED BY HIS LEGAL REPRESENTATIVES NAMELY 1(a). E.S. RAVI AGED 63 YEARS S/O LATE E. SAMPATH KUMAR D1206, ETA GARDENS BINNY MILLS, MAGADI ROAD BENGALURU - 560 023 1(b). RAGHAVAN S EMBAR AGED 61 YEARS S/O LATE E. SAMPTH KUMAR 13228, PIERCE ROAD SARATOGA CA 95070 USA 408-455-2593

2. SMT. S. VEDA AGED ABOUT 81 YEARS D/O LATE E. KRISHNAMACHAR W/O LATE SUNDARARAJAN R/AT No.77, 10TH CROSS 1ST PHASE, J.P. NAGAR BENGALURU - 560 078

3. SMT. S. NAGAMANI AGED ABOUT 77 YEARS D/O LATE E. KRISHNAMACHAR W/O LATE SESHADRI R/AT No.77, 10TH CROSS 1ST PHASE, J.P. NAGAR BENGALURU - 560 078

4. SMT. S. VIJAYA AGED ABOUT 75 YEARS D/O LATE E. KRISHNAMACHAR W/O LATE N.K. SRINIVAS -3- R/AT No.137, 8TH CROSS N R COLONY BENGALURU - 560 019

5. SMT. R. VASANTHA AGED ABOUT 77 YEARS W/O LATE E. RAMANUJAM R/AT TEMPLE STREET DODDAMALUR CHANNAPATNA TALUK - 562138 RAMANAGARAM DISTRICT.

6. E.R. RAMAPRASAD AGED ABOUT 55 YEARS S/O LATE E. RAMANUJAM R/AT No.56, G - 3, KEERTHI APTS. 2ND MAIN ROAD, 8TH CROSS PRASHANTH NAGAR BENGALURU - 560079

7. E.R. KRISHNAKUMAR AGED ABOUT 46 YEARS S/O LATE E. RAMANUJAM

8. SMT. R. CHITRA AGED ABOUT 50 YEARS D/O LATE E. RAMANUJAM RESPONDENTS No.7 AND 8 ARE R/AT TEMPLE STREET, DODDAMALUR CHANNAPATNA TALUK - 562138 RAMANAGARAM DISTRICT

9. SMT. KANAKAMALINI AGED ABOUT 78 YEARS W/O LATE E. SRINIVASAN

10. SRI RAGHU EMBAR AGED ABOUT 47 YEARS D/O LATE E SRINIVASAN -4-

11. SMT. RAMYA EMBAR AGED ABOUT 40 YEARS D/O LATE E SRINIVASAN. RESPONDENT No.9 TO 11 ARE R/AT No.191, 8TH MAIN 8TH CROSS, 2ND BLOCK JAYANAGAR, BENGALURU - 560 011

12. SMT. REVATHI AGED ABOUT 59 YEARS W/O LATE SUDARSHAN SINCE DECEASED REPRESENTED BY HER LEGAL REPRESENTATIVES NAMELY SRI UTTAM AND SMT. RANJITHA RESPONDENTS No.13 AND 14 HEREIN

13. SRI. UTTAM AGED ABOUT 37 YEARS S/O LATE SUDARSHAN

14. SMT. RANJITHA AGED ABOUT 35 YEARS D/O LATE SUDARSHAN

15. SMT. JAYANTHI AGED ABOUT 62 YEARS W/O LATE KUMAR

16. SMT. SHILPA AGED ABOUT 35 YEARS D/O LATE KUMAR

17. SRI R. SRIDHARAN AGED ABOUT 69 YEARS S/O LATE RANGASWAMY

18. SMT. JAYANTHI KRISHNAN AGED ABOUT 69 YEARS D/O LATE RANGASWAMY -5- RESPONDENT No.12 TO 18 ARE R/AT No.2169 8TH 'A' MAIN 'E' BLOCK, 2ND STAGE, RAJAJINAGAR BENGALURU - 560 010

19. SMT. S. GEETHA RAGHUVeer AGED ABOUT 70 YEARS D/O LATE E. KRISHNAMACHAR W/O B.T. RAGHUVeer R/AT 8TH CROSS,

MALLESHWARAM BENGALURU - 560 003 RESPONDENTS (BY SRI P.R. MURALIDHAR, ADV., FOR C/R-4 & R-6; SRI. SUBRAMANY Koushik R.S., ADV., FOR R-2 TO R-8, R-10, R-11, R-13 TO R-19)

THIS RFA IS FILED UNDER SECTION 96 OF CPC 1908, AGAINST THE JUDGMENT AND DECREE DATED 15.06.2022 PASSED IN OS.No.68/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, CHANNAPATNA, DECREETING THE SUIT FOR PARTITION. THIS APPEAL, COMING ON FOR HEARING ON INTERLOCUTORY APPLICATION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER: CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN and

HON'BLE MR. JUSTICE RAJESH RAI K

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ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN) A memorandum of compromise petition is filed today which is duly signed by the parties, their duly authorized representatives as well as the counsel appearing on either side.

2. The terms of settlement as per the compromise petition reads as follows:

"a. An amount of Rs.5,00,000/- (Rupees Five Lakh Only) by way of Demand Draft No. 561225, dated 18.07.2025 drawn on Karnataka Bank, Channapatna branch, and an amount of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand Only) by way of Cheque No.468922 dated 15.01.2026 drawn on State Bank of India, Malur (Channapatna) Branch, totally amounting to Rs.6,25,000/- (Rupees Six Lakhs Twenty Five Thousand Only) in favour of Smt. Geetha Raghuveer (D/o late Embar Krishnamachar) Defendant No. 19/Respondent No. 19 herein. Defendant No.19 herewith acknowledges the receipt of the aforesaid amount of Rs.5,00,000/- (Rupees Five Lakhs Only) by way of demand draft and a post-dated cheque for a sum of Rs. 1,25,000/- (Rupees One Lakh

Twenty-Five Thousand Only) on her behalf and on behalf of her family and hereby confirms that she or any member of her family shall not have any right title or interest or any claim of whatsoever -7-

nature over the Suit Schedule Properties including the mill situated in the Suit Schedule Properties and its business thereof. Defendant No.19 has executed a General Power of Attorney dated 28.07.2025 in favour of Defendant no. 17/ Respondent No. 17 herein to receive the Demand Draft, the post-dated cheque and appear before this Hon'ble Court.

b. An amount of Rs. 5,00,000/- (Rupees Five Lakh Only) by way of Demand Draft No. 561226, dated 18.07.2025 drawn on Karnataka Bank, Channapatna branch and an amount of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand Only) by way of Cheque No.468921 dated 15.01.2026 drawn on State Bank of India, Malur (Channapatna) Branch, totally amounting to Rs.6,25,000/- (Rupees Six Lakhs Twenty Five Thousand Only) in favour of Sri. E.S. Ravi, Respondent No. 1(a) herein (S/o E. Sampath Kumar) in respect of the claim of the branch of late E.

Sampath Kumar. Respondent No. 1(a) herewith acknowledges the receipt of the aforesaid amount of Rs. 5,00,000/- (Rupees Five Lakhs Only) by way of demand draft and a post-dated cheque for a sum of Rs. 1,25,000/- (Rupees One Lakh Twenty-Five Thousand Only) on his behalf and on behalf of Respondent No. 1(b) and family and hereby confirms that he or any member of his family shall not have any right title or interest or any claim of whatsoever nature over the Suit Schedule Properties including the mill situated in the Suit Schedule Properties and its business thereof. Respondent No. 1(b) has executed Specific Power of Attorney in favour of Respondent No. 1(a) authorising him to

-8- receive the Demand Draft, the post-dated cheque and appear before this Hon'ble Court.

c. An amount of Rs. 5,00,000/- (Rupees Five Lakh Only)

branch, and an amount of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand Only) by way of Cheque No.468919 dated 15.01.2026 drawn on State Bank of India, Malur (Channapatna) Branch, totally amounting to Rs.6,25,000/-

(Rupees Six Lakhs Twenty Five Thousand Only) in favour of Smt. S. Nagamani (D/o late Embar Krishnamachar) Plaintiff No.3/Respondent No.3 herein. Plaintiff No.3/ Respondent No.3 herein, herewith acknowledges the receipt of the aforesaid amount of Rs. 5,00,000/- (Rupees Five Lakhs Only) by way of demand draft and a post-dated cheque for a sum of Rs. 1,25,000/- (Rupees One Lakh Twenty-Five Thousand Only) on her behalf and on behalf of her family and hereby confirms that she or any member of her family shall not have any right title or interest or any claim of

whatsoever nature over the Suit Schedule Properties including the mill situated in the Suit Schedule Properties and its business thereof.

d. An amount of Rs. 5,00,000/- (Rupees Five Lakh Only)

branch, and an amount of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand Only) by way of Cheque No.468915 dated 15.01.2026 drawn on State Bank of India, Malur -9- (Channapatna) Branch, totally amounting to Rs.6,25,000/- (Rupees Six Lakhs Twenty Five Thousand Only) in favour of

Smt. S. Vijaya (D/o Embar Krishnamachar) Plaintiff No.4/Respondent No.4 herein. Plaintiff No.4/Respondent No.4 herein, herewith acknowledges the receipt of the aforesaid amount of Rs. 5,00,000/- (Rupees Five Lakhs Only) by way of demand draft and a post-dated cheque for a sum of Rs. 1,25,000/- (Rupees One Lakh Twenty-Five Thousand Only) on her behalf and on behalf of her family and hereby confirms that she or any member of her family shall not have any right title or interest or any claim of

whatsoever nature over the Suit Schedule Properties including the mill situated in the Suit Schedule Properties and its business thereof.

e. An amount of Rs. 5,00,000/- (Rupees Five Lakh Only)

branch, and an amount of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand Only) by way of Cheque No.468916 dated 15.01.2026 drawn on State Bank of India, Malur(Channapatna) Branch, totally amounting to Rs.6,25,000/- (Rupees Six Lakhs Twenty Five Thousand Only) in favour of Smt. R. Vasantha

(W/o late E.

Ramanujam) Defendant No.5/Respondent No.5 herein, representing the branch of late E. Ramanujam. Defendant No.5/Respondent No.5 herein, herewith acknowledges the receipt of the aforesaid amount of Rs. 5,00,000/- (Rupees Five Lakhs Only) by way of demand draft and a post-dated cheque for a sum of Rs.1,25,000/- (Rupees One Lakh

- 10 - Twenty-Five Thousand Only) on her behalf and on behalf of her family i.e., Defendant No.6 to 8 and hereby confirms that she or any member of her family shall not have any right title or interest or any claim of whatsoever nature over the Suit Schedule Properties including the mill situated in the

Suit Schedule Properties and its business thereof. Defendants No.6 to 8 have no objection for issuing the Demand Draft and a post-dated cheque in the name of Defendant No.5. Defendant No. 5 has executed a General Power of Attorney dated 03.09.2025 in favour of Defendant No. 7/ Respondent No. 7 herein to receive the Demand Draft, the post-dated cheque and appear before this Hon'ble Court. Defendant No. 8/ Respondent No. 8 herein has executed a General Power of Attorney dated 03.09.2025 in favour of Defendant No.7/ Respondent No. 7 herein to appear before this Hon'ble Court.

f. An amount of Rs. 5,00,000/- (Rupees Five Lakh Only)

branch, and an amount of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand Only) by way of Cheque No.468918 dated 15.01.2026 drawn on State Bank of India, Malur (Channapatna) Branch, totally amounting to Rs.6,25,000/- (Rupees Six Lakhs Twenty Five Thousand Only) in favour of Smt. Kanakamalini (W/o late E.Srinivasan) Defendant No.9/Respondent No.9 herein, representing the branch of E. Srinivasan. Defendant No.9/Respondent No.9 herein, herewith acknowledges the receipt of the aforesaid amount of Rs. 5,00,000/- (Rupees Five Lakhs Only) by way of - 11 - demand draft and a post-dated cheque for a sum of Rs. 1,25,000/- (Rupees One Lakh Twenty-Five Thousand Only) on her behalf and on behalf of her family i.e. Defendant No.10 and 11 and hereby confirms that she or any member of her family shall not have any right title or interest or any

claim of whatsoever nature over the Suit Schedule Properties including the mill situated in the Suit Schedule Properties and its business thereof. Defendants No.10 and 11 have no objection for issuing the Demand Draft in the name of Defendant No.9. Defendant No. 9 has executed a General Power of Attorney dated 10.03.2025 in favour of Defendant No 17/ Respondent No. 17 herein to receive the Demand Draft, the post-dated cheque and appear before the Hon'ble Court. Defendant No. 10/Respondent No. 10 herein has executed a General Power of Attorney dated 30.08.2025 in favour of Defendant No. 17/Respondent No. 17 herein to

appear before the Hon'ble Court. Defendant No. 11/ Respondent No. 11 herein has executed a General Power of Attorney dated 27.08.2025 in favour of Defendant No. 17/ Respondent No. 17 herein to appear before the Hon'ble Court.

g. An amount of Rs. 5,00,000/- (Rupees Five Lakh Only)

branch, and an amount of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand Only) by way of Cheque No.468917 dated 15.01.2026 drawn on State Bank of India, Malur (Channapatna) Branch, totally amounting to Rs.6,25,000/- (Rupees Six Lakhs Twenty Five Thousand Only) in favour of - 12 -

Sri. R. Sridharan (S/o late R. Padma) Defendant No.17/Respondent No.17 herein representing the branch of late R. Padma. Defendant No.17/Respondent No.17 herein, herewith acknowledges the receipt of the aforesaid amount of Rs. 5,00,000/- (Rupees Five Lakhs Only) by way of demand draft and a post-dated cheque for a sum of Rs. 1,25,000/- (Rupees One Lakh Twenty-Five Thousand Only) on his behalf and on behalf of his family i.e., Defendant No.12 to 16 and 18 and hereby confirms that he or any member of his family shall not have any right title or interest or any claim of whatsoever nature over the Suit Schedule Properties including the mill situated in the Suit Schedule Properties and its business thereof. Defendants No.12 to 16 and 18 have no objection for issuing the Demand Draft in

the name of Defendant No.17. Defendant No. 13/ Respondent No. 13 herein has executed a General Power of Attorney dated 13.08.2025 in favour of Defendant

No. 17/ Respondent No. 17 herein to appear before the Hon'ble Court. Defendant No. 14/ Respondent No. 14 herein has executed a General Power of Attorney dated 18.08.2025 in favour of Defendant No. 17/ Respondent No. 17 herein to

appear before this Hon'ble Court._ Defendant No. 16/Respondent No. 16 herein has executed a General Power of Attorney dated 16.08.2025 in favour of Defendant No. 15/Respondent No. 15 herein to appear before the Hon'ble Court. Defendant No. 18/ Respondent No. 18 herein has executed a General Power of Attorney dated 16.08.2025 in favour of Defendant No. 17/ Respondent No. 17 herein to appear before this Hon'ble Court.

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h. An amount of Rs. 5,00,000/- (Rupees Five Lakh Only) branch, and an amount of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand Only) by way of Cheque No.468923 dated 15.01.2026 drawn on State Bank of India,

Malur(Channapatna) Branch, totally amounting to Rs.6,25,000/- (Rupees Six Lakhs Twenty Five Thousand Only) in favour of Smt. Veda Sundararajan i.e S. Veda (D/o late Embar Krishnamachar) Plaintiff No.2/Respondent No.2 herein. Plaintiff No.2 herewith acknowledges the receipt of the aforesaid amount of Rs. 5,00,000/- (Rupees Five Lakhs Only) by way of demand draft and a post-dated cheque for a sum of Rs. 1,25,000/- (Rupees One Lakh Twenty-Five Thousand Only) on her behalf and on behalf of her family and hereby confirms that she or any member of her family shall not have any right title or interest or any claim of

whatsoever nature over the Suit Schedule Properties including the mill situated in the Suit Schedule Properties and its business thereof."

3. It is submitted that the entire dispute between

the parties stands settled. The appellants No.1 to 4 as well as the respondents or their GPA holders are present before the Court and are identified by their respective counsel. The cheques and demand drafts for the amounts - 14 - have

been handed over and are duly acknowledged by the respondents.

4. The matter is settled in terms of the

compromise entered into between the parties and which is specifically provided in the compromise petition. The appeal is disposed of in terms of the compromise. The Registry shall draw up in decree in terms of the compromise. Sd/- (ANU SIVARAMAN) JUDGE Sd/- (RAJESH RAI K) JUDGE RAK List No.: 1 SI No.: 24

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