



**IN THE HIGH COURT OF KARNATAKA AT DHARWAD**

**DATED THIS THE 11<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM**

**WRIT PETITION NO. 104735 OF 2026 (GM-CPC)**

**BETWEEN:**

1. SAMBASHIVA S/O LINGAPPA HEGDE,  
AGED ABOUT 69 YEARS, OCC: PENSIONER,  
R/O: PRASANNA, MARIKAMBA NAGAR,  
3<sup>RD</sup> CROSS, SIRSI, TALUK: SIRSI,  
DIST: UTTARA KANNADA-581 401.
2. SHARADA W/O VENKATRAMAN BHAGWAT,  
AGED ABOUT 85 YEARS, OCC: HOUSEHOLD,  
R/O: #118, NILKOD, MELINA KERI,  
TALUK: HONNAVAR,  
DIST: UTTARA KANNADA-581 334.  
REPRESENTED BY GPA HOLDER:  
SAMBASHIVA S/O LINGAPPA HEGDE  
(I.E., PETITIONER NO.1).
3. SHANTI @ SHANTABAI  
W/O MANJUNATH BHAT,  
AGED ABOUT 88 YEARS, OCC: HOUSEHOLD,  
R/O: HOUSE NO.492, TENGINKERI,  
KARKI, TALUK: HONNAVAR,  
DIST: UTTARA KANNADA-581 341.  
REPRESENTED BY GPA HOLDER:  
SAMBASHIVA S/O LINGAPPA HEGDE  
(I.E., PETITIONER NO.1).

... PETITIONERS

(BY SRI. RAMACHANDRA V. BHAT, ADVOCATE)





**AND:**

1. TIMMAPPA S/O LINGAPPA HEGDE,  
AGED ABOUT 74 YEARS, OCC: BUSINESS,  
R/O: #171, 9<sup>TH</sup> MAIN ROAD, AGS LAYOUT,  
AREHALLI, SUBRAMANYAPURA,  
BANGALORE SOUTH,  
TALUK: BANGALORE SOUTH,  
DIST: BANGALORE-560 061.
2. BHAGIRATI W/O MANJUNATH BHAT,  
AGED ABOUT 76 YEARS, OCC: HOUSEHOLD,  
R/O: MATADAKERI, POST: KEKKAR,  
TALUK: HONNAVAR,  
DIST: UTTARA KANNADA-581 338.
3. MUKTA D/O LINGAPPA HEGDE  
@ MUKTA W/O SUBRAY HEGDE,  
AGED ABOUT 65 YEARS, OCC: HOUSEHOLD,  
R/O: PRAGATI NAGAR, PADUKASHRAMA BAYALU,  
SIRSI, TALUK: SIRSI,  
DIST: UTTARA KANNADA-581 402.
4. GANESH S/O NARAYAN YAJI,  
AGED ABOUT 54 YEARS, OCC: SERVICE,  
R/O: CHITRAPUR ROAD, SHIRIALI,  
POST; SHIRALI, TALUK: BHATKAL,  
DIST: UTTARA KANNADA-581 354.
5. INDIRA D/O NARAYAN YAJI,  
AGED ABOUT 61 YEARS, OCC: HOUSEHOLD,  
R/O: #1218/1, JNANASHRAYA, JOGMATH,  
HONNAVAR, TALUK: HONNAVAR,  
DIST: UTTARA KANNADA-581 334.
6. GEETA D/O NARAYAN YAJI,  
AGED ABOUT 58 YEARS, OCC: HOUSEHOLD,  
R/O: ANUGRAH, GOPALAPUR, 2<sup>ND</sup> CROSS,  
NEAR UTTARADHI MATH,  
POST DHARWAD R.S.,  
TALUK AND DIST: DHARWAD-580 007.



7. GEETHA W/O RAMACHANDRA YAJI,  
AGED ABOUT 60 YEARS, OCC: HOUSEHOLD,  
R/O: #172, ABHISHEK BUILDING,  
KELAGERI ROAD, SANMATI NAGAR,  
3<sup>RD</sup> CROSS, DHARWAD,  
TALUK AND DIST: DHARWAD-580 008.
8. ABHISHEK S/O RAMACHANDRA YAJI,  
AGED ABOUT 31 YEARS, OCC: SERVICE,  
R/O: #172, ABHISHEK BUILDING,  
KELAGERI ROAD, SANMATI NAGAR,  
3<sup>RD</sup> CROSS, DHARWAD,  
TALUK AND DIST DHARWAD-580 008.
9. GIRIJA W/O GOPAL HEGDE,  
AGED ABOUT 65 YEARS, OCC: HOUSEHOLD,  
R/O: BETTAGERI, HOLEGADDE,  
TALUK: KUMTA,  
DIST: UTTARA KANNADA-581 327.
10. DEEPA W/O NAGARAJ HEGDE,  
AGED ABOUT 41 YEARS, OCC: HOUSEHOLD,  
R/O: BETTAGERI, HOLEGADDE,  
TALUK: KUMTA,  
DIST: UTTARA KANNADA-581 327.

... RESPONDENTS

(BY SRI. PRAKASH S. GUDIHINDIN, ADVOCATE FOR C/R1)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 06.01.2026 PASSED BY THE PRL. CIVIL JUDGE, SIRSI, IN O.S. NO.278/2025 VIDE ANNEXURE-F IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



**ORAL ORDER**

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

1. The petitioner is aggrieved by the order of the learned Judge rejecting the compromise petition filed by both the parties on the ground that the parties to the suit have not placed on record crucial documents demonstrating that they are the Class-II heirs of deceased Ganapathi.

2. The learned Trial Judge, while considering the compromise petition filed by the parties, has recorded a finding that neither the plaintiff nor the defendants had produced the death certificate of late Ganapathi to establish the factum of his death. The Court below has also observed that there was no acceptable material placed on record to substantiate the relationship claimed by the parties with the deceased Ganapathi. Proceeding on these premises, the learned Judge declined to act upon the compromise petition. It is this order which is called in question in the present writ petition.



3. Learned counsel appearing for the petitioner, reiterating the grounds urged in the writ petition, would submit that the deficiencies noticed by the Court below no longer survive. He would point out that subsequent to the passing of the impugned order, the petitioner has secured the death certificate of late Ganpathi as well as the heirship certificate issued by the competent authority. Placing reliance on these documents, learned counsel would contend that the very foundation on which the Trial Court declined to record the compromise now stands removed. He would therefore seek indulgence of this Court to set aside the impugned order and remit the matter to the Trial Court for reconsideration of the compromise petition in the light of the additional documents now made available.

4. Per contra, learned counsel appearing for the defendants would fairly submit that the relationship inter se between the parties and the deceased Ganpathi is not in dispute. Elaborating his submission, he would contend that Ganpathi died intestate and that his wife Janaki had



predeceased him. In the absence of any surviving spouse or issue, the petitioner and the defendants, who are the brothers and sisters of the deceased Ganpathi, constitute the legal heirs entitled to succeed to his estate. He would further submit that all the siblings have amicably resolved their disputes and have voluntarily entered into a compromise, relinquishing their respective claims in favour of plaintiff No.1. Therefore, according to him, there is no impediment in recording the compromise once the requisite documents evidencing death and heirship are placed before the Court.

5. I have heard the learned counsel appearing for the parties at considerable length. I have also carefully perused the pleadings, the impugned order and the documents placed on record.

6. A careful examination of the family tree furnished in the plaint would indicate that Ganpathi was married to Janaki. The consistent case pleaded by the



parties is that Janaki predeceased her husband and that Ganpathi subsequently died without leaving behind any issue. The petitioner and defendants assert that they are the brothers and sisters of the deceased Ganpathi and consequently constitute his surviving legal heirs.

7. The material now produced before this Court would disclose that Ganpathi died on 08.04.2025. The records further indicate that his wife Janaki had predeceased him on 03.02.2015. These facts are sought to be substantiated by the death certificate and heirship certificate now produced by the petitioner.

8. On a close scrutiny of the reasoning assigned by the learned Trial Judge, this Court is of the view that the Court below was justified to a limited extent in insisting upon satisfactory proof regarding the death of Ganpathi and the relationship claimed by the parties. In matters involving succession to the estate of a deceased person, particularly when a compromise is sought to be recorded, the Court is



required to exercise due caution and satisfy itself regarding the entitlement of the parties. Therefore, the observations made by the learned Judge regarding the absence of the death certificate and other supporting materials cannot be found fault with.

9. However, one of the principal reasons assigned by the learned Judge, namely that all the properties belonging to the family had not been included in the proceedings and therefore the compromise could not be acted upon, appears to be wholly untenable and legally unsustainable. To that extent, the impugned order suffers from patent error warranting interference by this Court.

10. While it is true that Courts are required to exercise circumspection while recording compromises involving succession and inheritance rights, the present case stands on a different footing. All the brothers and sisters of the deceased Ganpathi have unequivocally acknowledged their relationship with him and have joined in



filing the compromise petition. More importantly, the petitioner has now produced additional documentary evidence in the form of the death certificate and heirship certificate. These documents, prima facie, support the claim of the parties and therefore merit consideration by the Trial Court. In that view of the matter, the impugned order cannot be sustained.

11. The ends of justice would be met if an opportunity is afforded to the petitioner to place the newly secured documents before the Trial Court. The petitioner shall therefore be permitted to adduce limited evidence confined to production of the death certificate and the heirship certificate. If there are any revenue or title documents indicating that certain immovable properties stand jointly in the names of the petitioner, defendants and the deceased Ganpathi, the petitioner shall also be at liberty to produce such documents, as they may lend further support to the relationship asserted by the parties.



12. This Court is also unable to subscribe to the view taken by the Trial Court that every ancestral or joint family property is required to be brought within the scope of the compromise before the same can be acted upon. Such a proposition is misconceived. The parties are always at liberty to remain joint in respect of certain properties and seek settlement only in relation to a particular asset or claim. The law does not mandate that all possible properties must form part of a compromise arrangement.

13. The records would indicate that the immediate controversy relates only to the amount lying in a bank account standing in the name of the deceased Ganpathi. Merely because the deceased may not have nominated any person in respect of the said amount, it cannot be presumed that his legal heirs are disentitled from claiming succession thereto. In the event Ganpathi died intestate, the amount lying in the bank would devolve upon his legal heirs in accordance with the provisions governing succession.



14. Therefore, while directing the petitioner to place the death certificate, heirship certificate and such other supporting documents as may be available before the Trial Court, this Court is of the view that the learned Judge shall adopt a pragmatic and justice-oriented approach while considering the compromise petition. The Court below shall bear in mind that a substantial amount is stated to be lying in the bank and the same ought not to remain unnecessarily locked in litigation if the entitlement of the parties can be satisfactorily established.

15. The Trial Court shall also take into consideration the terms of the compromise petition under which all the brothers and sisters of the deceased Ganpathi have consciously relinquished their respective claims and have acknowledged the entitlement of plaintiff No.1 to receive the entire amount lying in the bank account. If the Court is otherwise satisfied regarding the genuineness of the compromise and the legal entitlement of the parties,



appropriate orders shall be passed in accordance with law so as to facilitate disbursement of the amount.

16. In view of the foregoing discussion, the following:

**ORDER**

- (i) The writ petition is allowed in part.
- (ii) The impugned order is hereby quashed and set aside.
- (iii) Petitioner No.1 shall be permitted to enter the witness box and adduce limited evidence for the purpose of producing the death certificate, heirship certificate and such other supporting documents as are now produced along with the writ petition.
- (iv) Upon production of the said documents, the learned Trial Judge shall reconsider the



pending compromise petition and pass appropriate orders in accordance with law.

- (v) Having regard to the submission that the petitioner is suffering from a serious medical condition, the Trial Court shall expedite consideration of the compromise petition and dispose of the same, as far as possible, within an outer limit of six weeks from the date of receipt of a copy of this order.

**Sd/-**  
**(SACHIN SHANKAR MAGADUM)**  
**JUDGE**

VNP / CT: BCK  
LIST NO.: 1 SL NO.: 7