

**IN THE KARNATAKA REAL ESTATE APPELATE TRIBUNAL,  
BENGALURU**

**DATED THIS THE 17<sup>TH</sup> DAY OF MARCH, 2021**

**PRESENT**

**HON'BLE SRI JUSTICE B SREENIVASE GOWDA, CHAIRMAN**

**AND**

**HON'BLE SRI K P DINESH, JUDICIAL MEMBER**

**APPEAL (K-REAT) NO. 308/2020**

**BETWEEN:**

M/s Shivani Developers,  
No.401, Palace view apartments,  
9<sup>th</sup> cross Road, H A L 3<sup>rd</sup> Stage,  
Kodihalli, Bengaluru – 560 008  
A Registered partnership firm,  
Represented by its Managing Partner  
Sri Koteswara Rao Podapati

**:APPELLANT**

(By Sri B N Suresh, Advocate)

**AND**

1. The Karnataka Real Estate Regulatory Authority,  
No. 1/14, 2<sup>nd</sup> Floor, Silver Jubilee Block,  
Unity Building Back side, CSI Compound,  
3<sup>rd</sup> Cross Road, Mission Road,  
Bengaluru-560 027  
Represented by its Secretary
2. Sri P Prasad,  
S/o P Subbaiah,  
Aged Major,  
Residing at No.9, Shivani Sunshine,  
Chudasandra, Sarjapura,  
Bengaluru – 560 099

**:RESPONDENTS**

(R1 served, unrepresented)

(Sri Naman Saraswat for M/s Maths Law Associates, Adv for R2)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal to set aside the order dated 05<sup>th</sup> June, 2020 in CMP/180502/0000800 passed by the Authority, RERA Respondent No. 1.

This appeal coming on for admission this day, the Chairman, delivered the following:

### **J U D G M E N T**

The appellant, who is a promoter of a Real Estate Project, has preferred this Appeal challenging the impugned order passed by RERA.

2. Subsequent to filing of the Appeal, appellant/promoter and 2<sup>nd</sup> respondent allottee, after due discussion and deliberation of their dispute pertaining to the subject matter of the Complaint and the Appeal, got the same settled amicably by reducing the terms and conditions of settlement into writing by way of filing a detailed Compromise Petition under Order XXIII Rule 3 of the Code of Civil Procedure.

3. The Compromise Petition, signed by the Managing Partner of the appellant/Company and the 2<sup>nd</sup> respondent/allottee and learned Counsel appearing for them, is taken on record.

4. The terms and conditions of Compromise Petition were read over to the parties in the language known to them and they have declared that they have entered into this compromise on their free will

and volition and it is free from any force, mis-representation, undue influence and coercion.

5. The parties and learned Counsel appearing for them pray the Tribunal to dispose of the Appeal in terms of the compromise.

6. The parties, having present in the Court, have signed the order sheet of the Appeal memo.

7. In view of the above, following

**ORDER**

- (1) The Appeal stands disposed of in terms of the Compromise Petition.
- (2) The Compromise Petition is ordered to be treated as part and parcel of this order.
- (3) In the event of parties applying for copy of this order, the Registry shall issue the same along with copy of the Compromise Petition.
- (4) The appellant and 2<sup>nd</sup> respondent shall perform and discharge their respective obligations as incorporated in the Compromise Petition, in order to give effect to the compromise and to avoid unnecessary litigations in future.
- (5) As per para-5 of the Compromise Petition, both appellant and respondent No.2 shall withdraw all

pending litigation, if any, filed by them against each other.

- (6) As per Clause (e) of para-2, RERA is hereby directed to remove from their official website that there is a pending case against the Project of the appellant viz., "**SHIVANI'S SUNSHINE**".
- (7) In view of disposal of the Appeal, pending I.As., if any, stand disposed of, as they do not survive for consideration.
- (8) The Registry is hereby directed to comply provision of Section 44(4) of the RERA Act and to return the records of RERA, if received, forthwith.

**Sd/-**  
**HON'BLE CHAIRMAN**

**Sd/-**  
**HON'BLE JUDICIAL MEMBER**