

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

**DATED THIS THE 25<sup>th</sup> DAY OF AUGUST 2021**

**PRESENT**

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

**AND**

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

**AND**

**HON'BLE P S SOMASHEKAR, ADMINISTRATIVE MEMBER**

**APPEAL (K-REAT) NO. 307/2020**

**BETWEEN**

M/s Shivani Developers,  
No. 401, Palace View apartments,  
9<sup>th</sup> Cross Road, HAL 3<sup>rd</sup> Stage, Kodihalli,  
Bengaluru - 560 008.

A Registered Partnership Firm  
Represented by its Managing Partner,  
Sri Koteswara Rao Padapati,

**APPELLANT**

(By Sri B N Suresh Babu, Adv for Appellant)

**AND**

1. The Karnataka Real Estate Regulatory Authority,  
No.1/4, 2<sup>nd</sup> Floor, Silver Jubilee Block,  
Unity Building, CSI Compound,  
Bengaluru-560 027.

Represented by its Secretary

2. Sri Sunil Sarat P,  
S/o Father name not known,  
Aged Major,  
Residing at No. 27,  
Shivani Sunshine,  
Chudasandra, Sarjapura,  
Bangaluru - 560 099.

**RESPONDENTS**

(R1-RERA served, unrepresented)

(Sri Siddanooru Vishwanath & Sri Raghunandan 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 impugned order dated 05<sup>th</sup> June, 2020 passed in Complaint No. CMP/181206/0001724 by respondent No.1-Authority.

This Appeal, coming on for Orders, this day, the Hon'ble Chairman, delivered the following:

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

The appellant, who is promoter of a real estate project known as "SHIVANI SUNSHINE" has preferred this appeal challenging the common order dated 05th June, 2020 passed by the Authority in CMP/181206/0001724.

2. Subsequent to the filing of this appeal, the appellant-promoter and Respondent No.2-allottee of a flat in the project undertaken by the appellant, after due deliberation and discussion of their dispute pertaining to CMP/181206/0001724 and this appeal, have 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-promoter, respondent No.2-allottee and learned counsel appearing for the appellant and respondent no.2 is taken on record.

4. The terms of compromise petition were read over to the Appellant and Respondent No.2, who are present in the court, in the language known to them and they have submitted that the compromise is entered into between them on their free will and volition and there is no force, misrepresentation, fraud, undue influence or coercion and pray the court that the appeal may be disposed of in terms of the Compromise Petition.

5. The appellant, 2<sup>nd</sup> respondent and the learned counsel appearing for them pray the Tribunal to dispose of the above appeal in terms of the compromise petition. Accordingly, we pass the following:

**ORDER**

- 1) Appeal is disposed of in terms of the Compromise Petition filed in the court today;
- 2) Compromise Petition filed by the Appellant-Promoter and Respondent No.2-allottee, is ordered to be treated as part and parcel of this order;
- 3) Appellant and Respondent No.2 shall discharge their respective obligations incorporated in the Compromise Petition in order to give effect to the compromise and to avoid unnecessary litigation in future;
- 4) This compromise is subject to encashment of Cheque bearing No.646840 drawn to Canara Bank, Domlur, for a sum of Rs. 4,00,000/-(Rupees four lakhs)

payable by the appellant to 2<sup>nd</sup> respondent, before 15<sup>th</sup> November, 2021;

- 5) In view of disposal of the Appeal in terms of compromise petition, pending I.As., if any, stand disposed of as they do not survive for consideration;
- 6) Office while issuing certified copy of today's order, at the instance of any of the parties, shall issue the same along with a copy of the Compromise Petition.
- 7) Registry is hereby directed to comply with the provision of Section 44(4) of the Act and to return the record to RERA, if received.

No order as to costs.

**Sd/-**

**HON'BLE CHAIRMAN**

**Sd/-**

**HON'BLE JUDICIAL MEMBER**

**Sd/-**

**HON'BLE ADMINISTRATIVE MEMBER**