

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

**DATED THIS THE 22<sup>nd</sup> DAY OF AUGUST, 2022**

**PRESENT**

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

**AND**

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

**APPEAL NO. (K-REAT) 65/2021**

**BETWEEN:**

Sri. Manjunath L Naik,  
S/o Late Shri. L.V. Naik,  
Aged about 59 years,  
Residing at No. 8, First Floor,  
4<sup>th</sup> Main, S.B.M. Layout,  
Anand Nagar,  
Bengaluru.

**...APPELLANT**

(Appellant Party-in-person, present)

**AND**

1. Karnataka State Government Employees  
House Building Co-Operative Society,  
Represented by its Secretary,  
Having its office at No.142, Vellalam Nilaya,  
CHBS Layout, 8<sup>th</sup> Main,  
18<sup>th</sup> Cross, Vijayanagar,  
Bengaluru 560 040.
2. The Karnataka Real Estate Regulatory Authority,  
2<sup>nd</sup> Floor, Silver Jubilee Block,  
Unity Building, CSI compound,  
Bengaluru-560 027.  
Represented by its Secretary.

**...RESPONDENTS**

(Sri. V. Krishna Murthy, Advocate for R1)  
(R2 – RERA served, unrepresented)

The appellant has filed the above appeal under Section 44 (1) of the Real Estate (Regulation and Development) Act, 2016, praying to set aside the order dated 13.10.2021 in complaint No. CMP/171016/0000146 passed by the Adjudicating Officer-2<sup>nd</sup> Respondent.

This appeal, coming on for Orders this day, Hon'ble Administrative Member delivered the following:

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

The appellant, who is an allottee of a site developed by the 1<sup>st</sup> respondent-Housing Society, has preferred this appeal challenging the impugned order dated 13<sup>th</sup> October, 2021 passed by the learned Adjudicating Officer in complaint No. CMP/171016/0000146.

2. Respondent No.2 RERA though served remained unrepresented.

3. Sri. Manjunath L Naik, appellant, appears as party-in person, Sri. V. Krishna Murthy, learned counsel appears for 1<sup>st</sup> respondent, Sri. Sheshe Gowda, President of the 1<sup>st</sup> Respondent is present in the Court. They jointly submit that subsequent to filing of this appeal, Appellant-allottee, Sri. V. Krishna Murthy, learned counsel appearing for 1<sup>st</sup> respondent and President of the Society, after due deliberation and discussion of their dispute pertaining to Compliant No. CMP/171016/0000146 and this appeal have got settled their dispute by reducing the terms of settlement into writing by filing a Joint Memo, enclosing the copy of the sale deed dated 8.8.2022, RTC extract and

encumbrance certificate signed by Sri. Manjunath L Naik, party-in-person, appellant-allottee, Sri. V. Krishna Murthy, learned counsel for 1<sup>st</sup> respondent and Sri. Sheshe Gowda, President of the Association.

4. The joint memo and annexures thereto are taken on record.

5. The terms of Joint Memo are read over to the parties who are present in the court, in the language known to them and they have stated that the settlement entered into between them is on their free will and volition and there is no force, misrepresentation, fraud, undue influence or coercion and pray the Tribunal that the appeal may be disposed of in terms of the Joint Memo.

6. In view of the above submissions and the terms of the Joint memo, we pass the following:

**ORDER**

- 1) Appeal stands disposed of in terms of the Joint Memo filed in the court today;
- 2) The Joint Memo filed is ordered to be treated as part and parcel of the order passed today;
- 3) In view of disposal of the Appeal in terms of Joint Memo, pending I.As, if any, do not survive for consideration and shall stand disposed of;

- 4) Registry, while issuing certified copy of today's order, at the instance of the parties, shall issue the same along with the copy of the Joint Memo and annexures thereto;
- 5) 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 JUDICIAL MEMBER**

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

NOT AN OFFICIAL COPY