

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No.9146 of 2019

Suresh Kothari

...Appellant

Versus

Kishin T. Panjabi

...Respondent

O R D E R

The above appeal impugned an order of the Division Bench of the High Court convicting the appellant under Section 12 of the Contempt of Courts Act, 1971¹ and imposing a sentence of simple imprisonment for a period of two months with a fine of Rs.2,000/- and a default sentence of one month. The appellant was also directed to remove a construction made over the terrace of the second floor of the suit scheduled building within one month.

2. The parties have now entered into a settlement and the same is produced along with IA No.273286 of 2026. The learned Counsel appearing for the petitioner and respondent were present and both agreed that the appeal can be disposed of in terms of the settlement. The settlement need not be fully extracted, since it first

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corroborates the dispute between the two parties and the litigation with respect to that.

¹ For brevity, 'the Act'

3. The litigation was first instituted by the respondent, by way of a suit numbered as OS No.10415 of 2015 before the Additional City, Civil and Sessions Court, Bangalore seeking injunction restraining the defendants, that is the appellant herein, from interfering with the peaceful usage and enjoyment of schedule B and C properties and for a mandatory injunction to remove a rolling shutter installed in the common passage as also rectification of sale deed in favour of the appellant. Eventually, an order was passed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, which led to a first appeal before the High Court of Karnataka. In MFA No.7719 of 2016, by orders dated 09.02.2017 and 08.06.2017, the High Court directed the parties to maintain *status quo* and imposed certain restrictions regarding construction activities. Alleging violation of the order passed, CCC No.2047 of 2017 was filed by the respondent herein, which led to the impugned order. The parties have now settled the issues in accordance with the following terms as narrated in the deed of settlement dated 29.08.2026:

1. The Parties declare that all disputes, claims, counterclaims and differences arising out of or relating to the Sale Deed dated 28.09.2015 and in respect of the properties mentioned in Schedule A, B and C of the suit and raised in O.S. No.10415/2015 (Kishin T. Panjabi & Ors. Vs. M/s Kothari Associates & Ors.), MFA Nos.6323/2016 (Kishin

T. Panjabi & Ors. Vs. M/s Kothari Associates & Ors.) and 7719/2016 (M/s Kothari Associates Vs. Kishin T. Panjabi & Ors.), CCC No.2047/2017 (Kishin T. Panjabi Vs. Suresh Kothari) and Civil Appeal No.9146 of 2019 (Suresh Kothari Vs. Kishin T. Panjabi), and all connected proceedings stand amicably settled.

2. The Parties shall jointly or individually, as may be required, take all necessary steps for:

(a) disposal of the pending appeal before the Hon'ble Supreme Court being Civil Appeal No. 9146 of 2019 (Suresh Kothari Vs. Kishin T. Panjabi) in terms of this Settlement;

(b) withdrawal of MFA No.6323/2016 (Kishin T. Panjabi & Ors. Vs. M/s Kothari Associates & Ors.) and MFA No. 7719/2016 (M/s Kothari Associates Vs. Kishin T. Panjabi & Ors.) pending before the Hon'ble Karnataka High Court;

(c) withdrawal/disposal of O.S. No.10415/2015 (Kishin T. Panjabi & Ors. Vs. M/s Kothari Associates & Ors.) pending before Additional City Civil and Sessions Judge, Bangalore City, Karnataka;

3. Each Party irrevocably waives and relinquishes all present claims, demands, actions, causes of action and proceedings against the other Party arising out of the subject matter of the aforesaid disputes.

4. The Second Party agrees that the Second Party shall not insist on removal of rolling shutter installed in the common passage of the first floor in the Schedule B Property. Further, the First Party agrees to provide access to the Second Party to the common area of the first floor in the Schedule B Property. The parties agree that they will continue to enjoy their respective rights in relation to the suit properties enumerated in Schedule A, B and C of the plaint as they were enjoying before the institution of the suit being OS No. 10415/2015 (Kishin T. Panjabi & Ors. Vs. M/s Kothari Associates & Ors.) and shall be mutually respectful to each other's respective rights. It is also

agreed by the Second Party that the Sale Deed bearing Document No. 2669/2015-16 dated 28.09.2015 executed in favour of M/s Kothari Associates in respect of a portion of the property situated at No.178, OTC Road, Dewan Surappa Lane, Chickpet, Bengaluru does not require any rectification whatsoever. No Party shall hereafter raise any objection or claim inconsistent with this Settlement.

5. The Parties agree that all disputes regarding construction, terrace rights, common passages, staircase, water connection and other common facilities stand finally resolved. Neither Party shall hereafter interfere with the peaceful possession, enjoyment or lawful use of the portions occupied by the other except in accordance with law and the present Settlement.

6. The Parties undertake to faithfully comply with all the terms of this Settlement and to execute all documents required for giving effect to the present Settlement.

7. This Settlement is entered into solely to facilitate peace and harmony between the parties. Neither Party admits the allegations or claims made by the other, all of which are expressly denied.

8. This Settlement Agreement consists of 14 pages which have been read, understood and signed by the parties. The Confirming Parties to the present Settlement Agreement are relatives of the Second Party and were co-plaintiff in the aforesaid suit being O.S. No.10415/2015 (Kishin T. Panjabi & Ors. Vs. M/s Kothari Associates & Ors.) pending before Additional City Civil and Sessions Judge, Bangalore City, Karnataka have also read and understood the present Settlement Agreement before signing it.

9. This Settlement shall bind the Parties and their respective legal heirs, successors, representatives and assigns.

10. This Settlement constitutes the complete understanding between the Parties and supersedes all previous negotiations and understandings concerning the disputes referred to herein.

11. The Parties declare that they have executed this Settlement voluntarily, of their own free will, without any

force, coercion, undue influence or misrepresentation, after fully understanding its contents and legal consequences.

12. Any application for implementation of this Settlement shall be made before the competent court before which the proceedings are pending or before such other court as may have jurisdiction.

4. The parties shall be regulated by such settlement, which is taken on record and made a part of this order. The fate of the various proceedings pending before the High Court of Karnataka and the Additional City, Civil and Sessions Court, Bengaluru, would be as agreed upon. The parties shall produce this order before the appropriate Court to dispose of the matters as agreed upon.

5. Insofar as the contempt case is concerned, we are of the opinion that there is no good reason to interfere with the findings leading to the conviction under Section 12 of the Act and we uphold the same. However, insofar as the sentence is concerned, we reduce it to the payment of fine of Rs.2,000/- which shall be paid into the Registry of the High Court within a period of one month from today. The sentence of simple imprisonment as imposed would stand set aside. Insofar as the removal of the construction made by the appellant, the same shall be superseded by the terms of the settlement herein.

6. The appeal stands disposed of.

7. Pending application(s), if any, shall stand rejected.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
SEPTEMBER 22, 2026.**

ITEM NO.26

COURT NO.6

SECTION XII-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.9146/2019

SURESH KOTHARI

Appellant(s)

VERSUS

KISHIN T. PANJABI

Respondent(s)

(IA No. 274640/2026 - WITHDRAWAL OF CASE)

Date : 22-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Appellant(s) :

Mr. Ranvir Singh, Sr. Adv.
Mr. Rishi Kumar Singh Gautam, AOR
Mr. Tamilarasan Varadarajan, Adv.
Ms. Shaurya Mishra, Adv.

For Respondent(s) :

Mr. Paras Nath Singh, AOR
Ms. Shruti Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The appeal stands disposed of, in terms of the signed order.
2. Pending application(s), if any, shall stand rejected.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed Order is placed on the file)