

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

DATED THIS THE 22nd 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,
4th Main, S.B.M. Layout,
Anand Nagar,
Bengaluru.

...APPELLANT

(Appellant Party-in-person, present)

AND

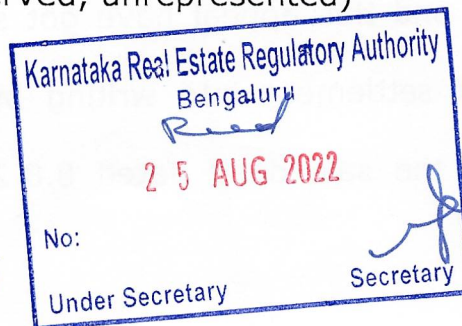
1. Karnataka State Government Employees
House Building Co-Operative Society,
Represented by its Secretary,
Having its office at No.142, Vellalam Nilaya,
CHBS Layout, 8th Main,
18th Cross, Vijayanagar,
Bengaluru 560 040.
2. The Karnataka Real Estate Regulatory Authority,
2nd Floor, Silver Jubilee Block,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

...RESPONDENTS

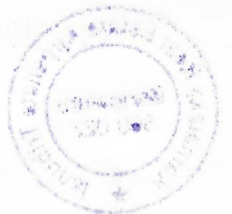
(Sri. V. Krishna Murthy, Advocate for R1)
(R2 – RERA served, unrepresented)



*Peru
5795*



*18/11/22
Received by*



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-2nd 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 1st respondent-Housing Society, has preferred this appeal challenging the impugned order dated 13th 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 1st respondent, Sri. Sheshe Gowda, President of the 1st 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 1st 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 1st 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.

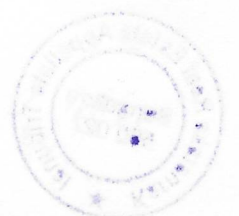
No order as to costs.

Sd/-
HON'BLE JUDICIAL MEMBER

Sd/-
HON'BLE ADMINISTRATIVE MEMBER

"TRUE COPY"

g. h. am 24/10
**SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU - 560 027**



BEFORE THE HON'BLE REAL ESTATE APPELLATE TRIBUNAL, AT BENGALURU

APPEAL No. 65/2021

BETWEEN:

SRI. MANJUNATH L. NAIK

APPELLANT

AND:

KARNATAKA STATE GOVERNMENT EMPLOYEES
HOUSE BUILDING CO-OPERATIVE SOCIETY
REPRESENTED BY ITS SECRETARY

RESPONDENT

JOINT MEMO

The Appellant and the respondent jointly beg to submit as follows:

The appellant has filed the above appeal before this Tribunal challenging the Order dated 13.10.2021 passed in Complaint No.CMP/171016/0000146 by the Karnataka Real Estate Regulatory Authority. During the pendency of the Appeal, the Respondent Housing Society has allotted Site bearing No.151, Khatha No.429/151, PID.No.150200300700829618, measuring East to West 18.20+15.50/2 meters and North to South 12.00+12.20/2 Meters in all measuring 203.89 sq. meters vide registered sale deed dated 08.08.2022 vide Document No.TVR-1-01928-2022-23 stored in CD.No.TVRD1160 registered in the office of the Tavarekere, Bengaluru and delivered vacant possession in favour of the Appellant herein by issuing possession certificate. Today before this Hon'ble Tribunal, the Appellant has received the original sale deed dated 08.08.2022 vide Document No.TVR-1-01928-2022-23 stored in CD.No.TVRD1160 registered in the office of the Tavarekere, Bengaluru along with possession certificate, Khata extract and encumbrance certificate.

In view of execution of the registered sale deed and delivery of possession in respect of Site bearing No.151 in favour of the Appellant, the appellant has no claim against the Respondent Society. The appellant hereby seeking the leave of this Hon'ble Tribunal to withdraw the above appeal, as settled out of the court. Hence, the appeal may kindly be dismissed as withdrawn, in the interest of justice and equity.

Hence, this Memo.

BENGALURU
DATE: 29.08.2022

APPELLANT

ADVOCATE FOR RESPONDENT

FILED IN THE COURT
ON: 22.08.2022



TRUE COPY

SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU - 560027