CNR: KAHC010169582024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 9653 OF 2024 (GM-CPC)

BETWEEN:

1. MRS. AFSANA
   W/OF LATE SYED ISMAIL @ BENDI BABU,
   AGED ABOUT 40 YEARS,

2. MRS. SYED SAIF
   S/OF LATE SYED ISMAIL @ BENDI BABU,
   AGED ABOUT 26 YEARS,

3. MRS. SUZAINE BANU
   D/O LATE SYED ISMAIL @ BENDI BABU,
   AGED ABOUT 13 YEARS
   REP BY HER NATURAL GUARDIAN /MOTHER
   MRS. AFSANA,

4. JAWERIA SUMAN
   D/O LATE SYED ISMAIL @ BENDI BABU,
   AGED ABOUT 29 YEARS,

5. FIZA BANU
   D/O LATE SYED SMAIL @ BENDI BABU,
   AGED ABOUT 21 YEARS,

6. AFIYATH ARBIYA
   D/O LATE SYED ISMAIL @ BENDI BABU,
   AGED ABOUT 20 YEARS,
   ALL PROPOSED APPLICANTS ARE R/AT
   1064, 2ND STREET, ISLAMPURA
   ANNASANDRAPALYA
   VIMANAPURA POST, HAL POST,
   BENGALURU-560 017.

...PETITIONERS

(BY SRI. RAVIKUMARA.B.R., ADVOCATE)

Digitally signed by
JAI JYOTHI J
Location: HIGH
COURT OF
KARNATAKA

AND:

1. MR. FAIROZ KAHAN
S/O LATE AMEER JAN,
AGED ABOUT 60 YEARS,
R/AT NO. 707, 1ST CROSS,
ISLAMPUR, HAL,
BANGALORE-560 017.

2. MR. AFZAL KHAN
S/O MR. MOHAMOOD KHAN,
AGED ABOUT 48 YEARS,
R/AT NO. 43, 1ST CROSS,
ISLAMPUR HAL,
BANGALORE-560 017.

3. MRS. YASMEEN KHAN
W/O MR. AFZAL KHAN,
AGED ABOUT 43 YEARS,
R/AT NO. 43, 1ST CROSS,
ISLAMPUR HAL,
BANGALORE-560 017.

4. MR. BENDI BABU
S/O MR. SYED MAHBOOB,
AGED ABOUT 54 YEARS,
R/AT BEHIND SALVAGE LINE,
OPP TO SAYEED MANZIL,
1ST MAIN, 1ST CROSS,
ANNASANDRAPALYA, HAL,
BANGALORE-560 017.

…RESPONDENTS

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 26.10.2023 PASSED BY THE HON'BLE ADDL. CITY CIVIL AND SESSIONS JUDGE, MAYOHALL, AT BANGALORE IN OS NO. 25856/2017 VIDE ANNEXURE-A AND CONSEQUENTLY RESTORE OS NO.25856/2017 ON THE FILE OF THE HON'BLE ADDL. CITY CIVIL AND SESSIONS JUDGE, MAYOHALL AT BANGALORE AND ETC.

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THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: **HON'BLE MS. JUSTICE TARA VITASTA GANJU**

ORAL ORDER

1. On the last date of hearing, this Court had passed the following order:

> "1. The challenge in the present petition is to an order dated 26.10.2023 which has dismissed four applications being I.A.Nos.1 to 4 filed by the petitioners/applicants praying to come on record as defendants 4(a) to 4(f). It is not disputed that the application was filed in a disposed of suit in O.S.No.25856/2017, which was disposed of by way of compromise under Order XXIII Rule 3 of the CPC. The suit was decreed on 06.08.2019 by accepting the compromise petition. The terms of the compromise are also placed on record as Annexures "F" and "G" to the petition filed today. The learned Trial Court examined the applications and found that the petitioners have no locus to question the compromise decree and thus dismissed the applications filed.
>
> 2. The learned counsel for the petitioners affirms that he has not challenged the compromise decree passed in any proceedings before the Court. Thus, clearly the applications filed by the petitioners were not maintainable.
>
> 3. Learned counsel for the petitioners requests for some time to take instructions.
>
> 4. List on 09.10.2026."

2. Today, the learned counsel for the petitioners has filed a memo seeking withdrawal of the present petition

with a liberty to challenge the Impugned Order in an appropriate proceedings.

3. The memo is taken as on record.

4. The petition is accordingly ***dismissed as withdrawn***. All pending applications stand closed. Liberty is, however, granted to the petitioners to take appropriate steps, in accordance with the law for redressal of their grievances.

5. It is clarified that the Court has not examined the matter on merits. The rights and contentions of both parties are left open to be agitated before the appropriate Forum.

Digitally signed by
TARA VITASTA GANJU
Location: HIGH COURT
OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

BMV*
List No.: 1 Sl No.: 14