HC-KAR

NC: 2026:KHC:21703
RP No. 205 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REVIEW PETITION NO. 205 OF 2026

BETWEEN:

1. SRI. SURENDRA KUMAR LOYALKA,
   S/O. LATE BILAS RAI LOYALKA,
   AGED ABOUT 74 YEARS,
   RESIDING AT NO.539,
   1ST CROSS, 8TH MAIN,
   IV BLOCK, KORAMANGALA,
   BENGALURU - 560 034.

2. SMT. URMILA LOYALKA,
   W/O. SURENDRA KUMAR LOYALKA,
   AGED ABOUT 66 YEARS,
   RESIDING AT NO.539,
   1ST CROSS, 8TH MAIN,
   IV BLOCK, KORAMANGALA,
   BENGALURU - 560 034.

...PETITIONERS

(BY SRI. S.HEMANTH BHARADWAJ., ADVOCATE)

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

AND:

1. M/S. ZENITH CREDIT LIMITED,
   A COMPANY INCORPORATED UNDER
   THE PROVISIONS OF THE
   COMPANIES ACT, 1956
   HAVING ITS REGISTERED
   OFFICE AT NO.19,

R.N. MUKHERJEE ROAD, DALHOUSIE,
KOLKATA - 700 001.
REPRESENTED BY ITS
AUTHORISED SIGNATORY.

2. SRI. RAGHAVAPPA KRISHNA MURTHY,
S/O. T. RAGHAVAPPA,
AGED ABOUT 58 YEARS,
RESIDING AT NO.129,
'VEERA RAGHAVA RESIDENCY',
1ST MAIN, 1ST CROSS,
MUNESHWARA LAYOUT,
KODICHIKKANAHALLI,
DEVARACHIKKANAHALLI MAIN ROAD,
NEW GOLDEN PARK APARTMENT,
BOMMANAHALLI,
BENGALURU - 560 068.

3. SRI. VIKRAM KUMAR @ VIKRAM JAIN,
S/O. BHEEMRAJ JAIN,
AGED ABOUT 50 YEARS,
RESIDING AT NO.24,
S.S. TEMPLE STREET,
NEAR SAJJAN RAO CIRCLE,
V.V. PURAM,
BENGALURU - 560 004.

…RESPONDENTS

THIS RP IS FILED UNDER ORDER 47 RULE 1 R/W SEC.114 OF CPC, PRAYING TO REVIEW THE ORDERS DATED 28.11.2025 PASSED BY THIS HONBLE COURT IN CRP NO.86/2020 AND SET ASIDE THE COMPROMISE DECREE DATED 28.11.2025 PASSED IN CRP NO.86/2020.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri S. Hemanth Bharadwaj, learned counsel for the petitioner.

2. Petitioners in this review petition are originally respondent Nos.2 and 3 in CRP No.86 of 2020. They were the Co-defendants in suit OS No.4817 of 2018 on the file of the LXII Additional City Civil and Sessions Judge, Bengaluru (CCH-63).

3. First defendant in the suit filed an application under Order VII Rule 11(a) and (d) read with Section 151 of CPC vide I.A.No.3, which came to be rejected by the learned Trial Judge, Against which, first defendant filed a revision petition before this Court, for the sake of

formality other defendants were also impleaded as party respondents as respondent Nos.2 and 3.

4. The matter was settled before this Court between plaintiff and first defendant, dispensing the notice to other respondents. Placing the compromise petition signed by plaintiff and first defendant suit was disposed off and suit against defendant Nos.2 to 4 came to be dismissed.

5. The present review petitioners, being respondent Nos.2 and 3 in the revision petition, have sought to review the order passed by this Court accepting the compromise entered into between the plaintiff and the first defendant by order dated 28th November 2025.

6. The office has raised two objections including the maintainability of the review petition as no order came to be passed in the revision petition as against the

review petitioners. In fact there was no order on merits as the petition came to be disposed of based on the compromise entered into by the plaintiff and first defendant. Office objection is perfectly justified.

7. However, an observation needs to be made that since the order dated 28th November 2025 makes it clear that the suit against defendant Nos.2, 3 and 4 filed by the plaintiff got dismissed.

8. However, it is to be further observed that suit in O.S.No.4817 of 2018 being disposed off in view of compromise between plaintiff and first defendant, the counter claim of review petitioners filed in O.S.No.7418 of 2025 shall not be affected and said counter claim needs to be considered by the concerned Court on merits.

9. With that observation, the following order is passed.

ORDER

(i) The Revision Petition is **dismissed.**

(ii) The counter claim filed in earlier suit in OS No.7418 of 2025 shall be decided on merits in accordance with law despite the compromise entered into by the plaintiff and the first defendant in the CRP No.86 of 2020.

Sd/-
(V SRISHANANDA)
JUDGE

MKM
List No.: 2 Sl No.: 17