HC-KAR

NC: 2026:KHC:65509-DB
COMAP No. 424 of 2025

CNR: KAHC010499362025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

COMMERCIAL APPEAL NO. 424 OF 2025

BETWEEN:

1. M/S BINDU PROPERTIES
A PARTNERSHIP FIRM CONSTITUTED
UNDER THE INDIAN PARTNERSHIP ACT,
HAVING ITS OFFICE AT
NO.2, 1ST MAIN,
WEST OF CHORD ROAD,
INDUSTRIAL TOWN,
RAJAJINAGARA,
BENGALURU 560079.
REPRESENTED BY ITS
POWER OF ATTORNEY HOLDER
SRI. DIPEN H NAGDA,
S/O. SRI. HARAKCHAND,
AGED ABOUT 53 YEARS.

...APPELLANT

(BY SRI. SRIKANTH PATIL K., ADVOCATE)

Digitally signed by VASANTHA KUMARY B K
Location: HIGH COURT OF KARNATAKA

AND:

1. SRI B SOMASHEKHAR
S/O. LATE BYLAPPA,
AGED ABOUT 50 YEARS,
R/A. NO.319/H, 9TH K MAIN,
HOSAHALLI, VIJAYANGAR,
BENGALURU-560040.

2. SRI.K.M.MANJUNATH,

S/O. SRI.K.T.MYLARAPPA,
AGED ABOUT 40 YEARS,
R/A. NO.938, KEERTHI NIVAS,
1ST MAIN, 6TH 'A' CROSS,
KENGERI SATELITE TOWN,
BENGALURU-560060.

3. SRI.G.N.KRISHNA,
S/O. LATE NANJAYYA,
AGED ABOUT 65 YEARS,
R/A. NO.1011/1354,
8TH CROSS, 1ST H MAIN,
2ND PHASE, GIRINAGAR,
BENGALURU-560085.

4. SRI. VIMAL JAIN (KATARIA)
S/O. SRI. MANOHAR LAL JAIN,
AGED ABOUT 48 YEARS,
R/A.NO.647, VAISHNODEVI LOPULENCE,
FLAT NO.504, 16TH CROSS,
19TH MAIN, IDEAL HOMES SOCIETY,
KENCHENAHALLI,
RAJARAJESHWARI NAGAR,
BENGALURU-560098.

5. M/S. VAISHNODEVI LUSH GREENS PVT. LTD.,
A PARTNERSHIP FIRM HAVING ITS
OFFICE AT NO.459, 4TH FLOOR,
12TH MAIN, NEAR POST OFFICE,
MC LAYOUT, VIJAYANGARA,
BENGALURU-560040.
REPT. BY ITS MANAGING DIRECTOR,
SRI.VIMAL JAIN, (KATARIA)

6. SRI.SANDEEP KUMAR JAIN,
S/O. MAHENDRA KUMAR JAIN,
AGED ABOUT 42 YEARS,
R/A. NO.9/21, 9TH FLOOR,
FLAT NO.A-903, ASTER BLOCK,
THE GUARDEN APARTMENTS,

OPP ANGALA PARAMESHWARI TEMPLE,
BENGALURU-560023.

7. SRI.ANIL KUMAR AGARWAL,
S/O. LATE RAM PRATHAP AGARWAL,
AGED ABOUT 55 YEARS,
R/A. NO.H-801,
ETA GUARDEN APARTMENTS,
OPP BINNI MILL, MAGADI ROAD,
BENGALURU-560023.

8. SRI.MOHAN LAL,
S/O.SRI.AMARA RAM,
AGED ABOUT 43 YEARS,
RESIDING AT NO.49/A,
GARDEN ROAD, NAYANDANAHALLI,
BENGALURU-560039.

9. SMT. RADHA,
W/O. MOHAN LAL,
AGED ABOUT 40 YEARS,
RESIDING AT NO.49/A,
GARDEN ROAD, NAYANDANAHALLI,
BENGALURU-560039.

10. SMT. SONU AGARWAL,
W/O. ANIL KUMAR AGARWAL,
AGED ABOUT 48 YEARS,
R/A. NO.H-801,
ETA GARDEN APARTMENTS,
OPP BINNI MILL, MAGADI ROAD,
BENGALURU-560023.

11. SRI. NITIN JHABAK
S/O. SOHAN LAL JHABAK,
AGED ABOUT 48 YEARS,
R/A.NO.A-1104, MELODY APARTMENT,
MYSURU ROAD, NAYANDAHALLI,
BENGALURU SOUTH-560039.

12. MRS. SEEMA JAIN,
W/O. SRI.SANDEEP KUMAR JAIN,
AGED ABOUT 42 YEARS,
R/A. NO.9/21, 9TH FLOOR,
FLAT NO.903, ASTER BLOCK,
THE GARDEN APARTMENTS,
OPP. ANGALA PARAMESHWARI TEMPLE,
MAGADI ROAD, BENGALURU-560023.

13. SRI. PRAVEEN CHHAJER,
S/O. C.ASHOK KUMAR CHHAJER,
AGED ABOUT 40 YEARS,
R/A.NO.240/7, FLAT NO.008,
MARS MEADOWS APARTMENT,
60 FEET MAIN ROAD,
BEHIND RR NAGAR POLICE STATION,
BEML LAYOUT, 5TH STAGE,
RAJARAJESHWARINAGAR,
BENGALURU-560098.

14. SRI. RAJESH PATEL,
S/O.JAYANTHI LAL H PATEL,
AGED ABOUT 32 YEARS,
R/A.SRI.SHANKARA SAW MILL,
KM ROAD, JYOTHINAGARA,
CHIKKAMAGALURU-577102.

15. SRI. SOORAJ H PATEL,
S/O. HIRA LAL N PATEL,
AGED ABOUT 30 YEARS,
R/A.NO.21/1, HBCS LAYOUT,
VIDHYAGIRI LAYOUT,
NAGARABHAVI,
BENGALURU-560072.

16. SRI. DILIP R PATEL,
S/O. R.H.PATEL,
AGED ABOUT 44 YEARS,
R/A. NO.648D, G-4 RESIDENCY,
19TH MAIN, IDEAL HOME SOCIETY,

KENCHANAHALLI MAIN ROAD,
RR NAGAR, BENGALURU-560098.

17. SRI. DHIRAJ LAL T PATEL,
S/O.TEJA LAL PATEL,
AGED ABOUT 46 YEARS,
R/A.KM ROAD,
SRI SHANKAR SAW MILL,
JYOTHINAGARA,
CHIKKAMGALURU-577102

18. SRI. BHAVESH C PATEL,
S/O. CHANDU LAL PATEL,
AGED ABOUT 32 YEARS,
R/A. NO.2914, SHIVAKRUPA,
14TH MAIN, ATTIGUPPE,
VIJAYANGARA II STAGE,
BENGALURU-560040.

19. SRI. RAHUL C PATEL,
S/O. CHIMAN LAL N PATEL,
AGED ABOUT 37 YEARS,
R/A. NO.76/A, JHANAKINIVAS,
10TH MAIN, 1ST A' CROSS,
KALYAN CO-OPERATIVE SOCIETY,
RPC LAYOUT, VIJAYNAGAR, II STAGE,
BENGALURU 560040.

20. SRI. GOURAV S VAJIR,
S/O. SURESH KUMAR VAJIR,
AGED ABOUT 39 YEARS,
R/A. FLAT NO.307,
SHIVASHREE GUARDEN,
BLOCK-II, 1ST MAIN,
4TH CROSS, 5TH STAGE,
BEML LAYOUT, RR NAGAR,
BENGALURU-560098.

21. SRI.JAGADISH KUMAR,
S/O. ESHWAR LAL,

AGED ABOUT 42 YEARS,
R/A. NO.613, HOME RESIDENCY,
3RD FLOOR, KUVEMPU MAIN ROAD
SHREE VISHWESHWARAIAH LAYOUT
8TH BLOCK, BENGALURU 560091

22. SRI DILIP R PATEL
S/O R H PATEL,
AGED ABOUT 44 YEARS,
R/AT NO.648D, G-4 RESIDENCE,
19TH MAIN, IDEAL HOME SOCIETY,
KENCHENAHALLI MAIN ROAD,
R R NAGAR,
BENGALURU-560098

23. SRI VIPUL PATEL
S/O MOHANLAL PATEL,
AGED ABOUT 37 YEARS,
R/AT NO.67A/1, BELGACHIA ROAD,
BELGACHIA, KOLKOTA,
WEST BENGAL-700037

24. SRI MOTHILAL KHIMJI PATEL
S/O KHIMJI S PATEL,
AGED ABOUT 51 YEARS,
R/AT NO.21,
SHIVA KRUPA, 3RD CROSS,
4TH MAIN, VIDHYAGIRI LAYOUT,
NAGARABHAVI,
BENGALURU-560072

25. SRI RAJESH J PATEL
S/O JAYANTHI LAL H PATEL,
AGED ABOUT 32 YEARS,
R/AT SHREE SHANKARA SAW MILL,
K M ROAD, JYOTHINAGARA,
CHIKKAMAGALURU-577102

26. SRI HARSHAD S PATEL
S/O SHAMJI LADHABHAI PATEL,

AGED ABOUT 39 YEARS,
R/AT NO.671, MANDIR, 10TH MAIN,
5TH CROSS, HAMPINAGAR,
BENGALURU-560104

27. SRI NITIN SHAMJI PATEL
S/O SHAMJI LADHABHAI PATEL,
AGED ABOUT 44 YEARS,
R/AT NO.671, 10TH MAIN ,
II STAGE, HAMPINAGAR,
VIJAYANAGAR,
BENGALURU-560040

28. MRS. SUNITHA JAIN
W/O SRI RAJENDRA KUMAR JAIN,
AGED ABOUT 44 YEARS,
R/AT NO.1, DANDI SUBBANNA LANE,
SOUTASTRAPET, CHICKPET,
BENGALURU-560053

29. GARIMA POLYPLAST PVT LTD
OFFICE AT NO.65,
IST MAIN ROAD,
PETECHANNAPPA INDUSTRIAL ESTATE,
KAMAKSHIPALYA,
BENGALURU-560079

REPRESENTED BY ITS DIRECTOR
SRI ANIL KUMAR AGARWAL,
S/O LATE RAM PRATHAP AGARWAL,
R/AT NO.H-801,
ETA GARDEN APARTMENTS,
OPP-BINNI MILL, MAGADI ROAD,
BENGALURU-560023

30. SRI AJAYKUMAR BOHRA
S/O CHANDMAL JI BOHRA,
AGED ABOUT 43 YEARS,
R/AT NO.774/71,
6TH B CROSS,

POST OFFICE ROAD,
SRINAGAR,
BENGALURU-560050

31. SMT PAVITHRA C
D/O SRI M V CHANDRAKANTH,
AGED ABOUT 29 YEARS,
R/AT 1310, IST CROSS,
RAMDEV GARDEN,
KACHARAKANAHALLI,
BENGALURU-560084

32. M/S. INDRADHANUSH
MASTERBATCHES PVT. LTD.,
HAVING ITS OFFICE AT
NO.94 AND 95,
BAIRAVESHWARA INDUSTRIAL AREA,
ANDARAHALLI MAIN ROAD,
HEGGANAHALLI,
BENGALURU URBAN,
BENGALURU-560091.
REPT. BY ITS DIRECTOR,
SRI.ANKITH CHOUDHARY,
S/O.HARIH OM CHOUDHARY,
AGED ABOUT 41 YEARS

33. SRI. R. RAMANJANEYA,
S/O. LATE RAJANNA,
AGED ABOUT 45 YEARS,
R/A. NO.10, CHIKKAELLURU VILLAGE,
RAMOHALLI POST,
TAVAREKERE HOBLI,
BENGALURU-560060.

34. MS. BHOOMIKA.K,
D/O. SRI. KRISHNA.G.N.,
AGED ABOUT 24 YEARS,
R/A. NO.1011/1354,
MATHRU KUTEERA,
8TH CROSS, 1ST 'H' MAIN,

II PHASE, NEAR GIRINAGAR POLICE STATION,
HOSAKERAHALLI,
BENGALURU-560085.

35. SMT.R.NAGARATHNA,
W/O. SRI.G.N.KRISHNA.,
AGED ABOUT 60 YEARS,
R/A. NO.1011/1354,
MATHRU KUTEERA,
8TH CROSS, 1ST 'H' MAIN,
II PHASE, NEAR GIRINAGAR POLICE STATION,
HOSAKERAHALLI,
BENGALURU-560085.

36. SRI.JAY PUNAMIYA,
S/O.JAGADISH R PUNAMIYA,
AGED ABOUT 45 YEARS,
RESIDING AT NO.6, RAJDHAN,
GANDHI BAZAR, SURVEYOR STREET,
BASAVANAGUDI,
BENGALURU-560004.

37. SMT.ANITA,
W/O. PRASANNA KUMAR,
AGED ABOUT 58 YEARS,
RESIDING AT NO.6, RAJDHAN,
GANDHI BAZAR, SURVEYOR STREET,
BASAVANAGUDI,
BENGALURU-560004.

38. SMT.SARIKA BOKARIA,
W/O. VIKAS BOKARIA,
AGED ABOUT 42 YEARS,
RESIDING AT NO.146,
10TH MAIN,
NEAR CHANDRALAYOUT WATER TANK,
BCC LAYOUT, II STAGE,
VIJAYANGAR, BENGALURU-560040

39. SRI. VIKAS BOKARIYA,

S/O. LATE RANJITH SINGH BOKARIA,
AGED ABOUT 44 YEARS,
RESIDING AT NO.146,
10TH MAIN,
NEAR CHANDRALAYOUT WATER TANK,
BCC LAYOUT, II STAGE,
VIJAYANGAR, BENGALURU-560040

…RESPONDENTS

(BY SRI. ABHILASH H S., ADVOCATE FOR R4)

THIS COMAP IS FILED UNDER SECTION 13(1-A) OF THE COMMERCIAL COURTS ACT, 2015 PRAYING TO CALL FOR THE RECORDS IN COM.AA.No.02/2025 PENDING ON THE FILE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE (DEDICATED COMMERCIAL COURT), RAMANAGARA, ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

Learned counsel for the appellant has filed a memo dated 24.11.2026 seeking leave of the Court to withdraw the appeal and prosecute the Com.AA No.2/2025 on merits.

2. Placing the memo on record, the appeal is ***dismissed*** as withdrawn.

SD/-
(D K SINGH)
JUDGE

SD/-
(H.SHANTHI BHUSHAN)
JUDGE

NG
CT:SN
List No.: 1 Sl No.: 6