HC-KAR

NC: 2026:KHC:59735
WP No. 24610 of 2025

CNR: KAHC010531502025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 24610 OF 2025 (GM-CPC)

BETWEEN:

SRI. M. SUBRAMANI
S/O SRI. C. MUNISWAMY NAIDU,
AGED ABOUT 66 YEARS
R/AT NO. 73, 4TH MAIN,
SRINIVAS NAGAR, BSK FIRST STAGE,
BENGALURU - 560 050.

...PETITIONER

(BY SRI. N.S. BHAT, ADVOCATE)

AND:

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

1. SMT. JAYAMMA
W/O SRI CHINNASWAMY NAIDU,
AGED ABOUT 61 YEARS

SRI. LAKSHMAIAH NAIDU,
S/O SRI C.MUNISWAMY NAIDU,
AGED ABOUT 76 YEARS,
SINCE DIED BY LRS.

2. SMT. KANTHAMMA,
W/O LATE SRI LAKSHMAIAH NAIDU
AGED ABOUT 70 YEARS

3. SRI. ADHISESHA NAIDU,
S/O LATE SRI. LAKSHMAIAH NAIDU,
AGED ABOUT 48 YEARS

4. SMT. VINODHA,
D/O LATE SRI. LAKSHMAIAH NAIDU,
AGED ABOUT 44 YEARS

5. SMT. VANITHA,
D/O LATE SRI LAKSHMAIAH NAIDU
AGED ABOUT 42 YEARS

ALL ARE R/AT KANNUR VILLAGE,
KANGANDALAHALLI POST,
KYASAMBALI HOBLI,
KGF TALUK - 563 121.

6. M/S. ASIAN FAB TECH. LTD.,
A REGISTERED COMPANY,
HAVING ITS REGISTERED OFFICE
AT FLAT NO.15, 2ND PHASE,
PEENYA INDUSTRIAL AREA,
BENGALURU - 560 058
REPRESENTED BY ITS DIRECTOR
MR. K.P. PAVAN,

7. SRI. K M. KANAKA NAIDU,
H/O LATE SMT. MAYAMMA,
AGED ABOUT 73 YEARS

8. SRI. K.MOHAN
S/O LATE SMT. MAYAMMA,
AGED ABOUT 50 YEARS,

9. SRI. K.NARENDRA,
S/O LATE SMT. MAYAMMA,
AGED ABOUT 46 YEARS

10. SMT. K. KALPANA,
W/O SRI. SURESH,
D/O SRI. M. KANAKA NAIDU AND
SMT. MAYAMMA,
AGED ABOUT 51 YEARS,
R/O 98/A, SRI SAI NILAYAM,
2ND FLOOR, 2ND CROSS,
MARUTHI LAYOUT,
BEHIND AECS LAYOUT,
CHINNAPPANAHALLI,
BENGALURU - 560 037.

11. SRI. R. VENKATESH NAIDU,
S/O LATE SRI RAMAKRISHNAPPA NAIDU,
AGED ABOUT 81 YEARS,
RESPONDENTS NOS. 1, 2 AND 4 TO 6 AND 8
ARE R/AT KANNUR VILLAGE,
KANGANDALAHALLI POST,
KYASAMBALLI HOBLI,
K.G.F. TALUK - 563 121.

…RESPONDENTS

(BY SRI. ROOPESHA B, ADVOCATE FOR R6;
SRI. A.K. VASANTHA, ADVOCATE FOR R8;
R11 IS SERVED AND UNREPRESENTED)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE ON ORDER DATED 05-07-2025 ON I.A.15 AND ALSO TO SET ASIDE AN ORDER DATED- 11-07-2025 IN PERMITTING TO PROSECUTE COUNTER CLAIM OF DEFENDANT N.8/R8 IN O.S.NO.42/2019 AND CONSEQUENTLY TO REJECT/DISMISS COUNTER CLAIM FILED BY THE DEFENDANT/ RESPONDENT NO.8 AND TO

DISMISS I.A. 15 IN O.S.NO.42/2019 ON THE FILE OF THE COURT OF SENIOR CIVIL JUDGE AND JMFC, KGF AS PER ANNEXURE-J IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

Learned counsel for the petitioner has filed a memo seeking permission of the Court to withdraw the petition, reserving liberty to challenge the counter claim, if necessary.

2. Memo is taken on record.

3. The writ petition is ***dismissed as withdrawn***, reserving liberty as prayed for.

SD/-
(K. V. ARAVIND)
JUDGE

VN
List No.: 1 Sl No.: 107