HC-KAR

NC: 2026:KHC:59892
WP No. 32803 of 2026

CNR: KAHC010712972026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 32803 OF 2026 (GM-CPC)

BETWEEN:

1. MR SHEIK MOHAMMAD IMRAN
S/O MOHAMMED KHALIL,
AGED ABOUT 44 YEARS,
RESIDING AT FLAT NO. 10-3-15A,
DAWOOD COMPOUND,
VIDYASAMUDRATHIRTHA MARGA,
UDUPI TALUK AND DIST-576101

2. MR. MOHAMMED IRSHAD
S/O MOHAMMED KHALIL,
AGED ABOUT 40 YEARS,
RESIDING AT FLAT NO. 10-3-15A,
DAWOOD COMPOUND,
VIDYASAMUDRATHIRTHA MARGA,
UDUPI TALUK AND DIST-576101

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

3. MR. MOHAMMED FAYAZ
S/OFAZEELATH AHMED,
AGED ABOUT 37 YEARS,
RESIDING AT FLAT NO. 10-3-15A,
DAWOOD COMPOUND,
VIDYASAMUDRATHIRTHA MARGA,
UDUPI TALUK AND DIST-576101

4. MR. MOHAMMED FAZIL
S/OFAZEELATH AHMED,
AGED ABOUT 31 YEARS,

RESIDING AT FLAT NO. 10-3-15A,
DAWOOD COMPOUND,
VIDYASAMUDRATHIRTHA MARGA,
UDUPI TALUK AND DIST-576101

5. MR. MOHAMMAD FARAZ
S/OMOHAMMED HASHIM,
AGED ABOUT 37 YEARS,
RESIDING AT FLAT NO. 5A-501,
5TH FLOOR, B TOWER,
MANDAVI PRICE PALACE,
THANGADAGADI,
UDUPI TALUK AND DIST-57418

…PETITIONERS

(BY SMT. AKSHATHA SHETTY K., ADVOCATE)

AND:

1. M/S FIZA DEVELOPERS AND CONSULTANCY
REP. BY MANAGING PARTNER,
MR. HUSSAIN.
AGED ABOUT 42 YEARS,
S/O LATE USMAN SAHEB,
R/O D. NO11-30/4,
SALIHATH MOHALLA, TONSE WEST,
UDUPI TALUK AND DISTRICT.

2. MR. SHAKEEL AHMED,
AGED ABOUT 57 YEARS.
S/O SALMAN DAWOOD.
R/O D. NO 4-351L24,
MARS APARTMENT,
FLAT NO 406, 4TH FLOOR,
HAYAGRIVA NAGAR, INDRALI,
UDUPI- 576102.

3. MRS. HALIMABI,
AGED ABOUT 81 YEARS,
W/O SALMAN DAWOOD.

R/O D. NO 10-3-15,
C B ROAD, NEAR GEETHANJALI TAKIS,
MOODANIDAMBOOR,
UDUPI TALUK AND DIST- 576101.

4. MR. MOHAMMED AZEEM,
AGED ABOUT 66 YEARS.
S/O SALMAN DAWOOD.
R/O D. NO 10-3-15,
C B ROAD, NEAR GEETHANJALI TAKIS,
MOODANIDAMBOOR,
UDUPI TALUK AND DIST- 576101.

5. MR. MOHAMMED IRFAN,
AGED ABOUT 61 YEARS.
S/O SALMAN DAWOOD
R/O D. NO 10-3-15,
C B ROAD, NEAR GEETHANJALI TAKIS,
MOODANIDAMBOOR,
UDUPI TALUK AND DIST- 576101

6. MRS. AKHILA BANU,
AGED ABOUT 59 YEARS.
D/O SAMAN DAWOOD
W/O ANWAR HUSSAIN.
R/O D. NO 3-218, AHAMADI MOHALLA,
NEAR HAYATULLA MOHIDDIN JUMMA MASJID,
MALLAR VILLAGE, MAJOOR,
KAUP TALUK, UDUPI DIST-574108.

7. MR. MOHAMMED EJAZ,
AGED ABOUT 54 YEARS.
S/O SALMAN. R/O FLAT NO 503,
A2, D. NO 2-514B, SPANDANA.
APARTMENT, UDUPI TALUK AND DIST-576105.

8. MRS. FARZANA,
AGED ABOUT 51 YEARS,
D/O SALMAN DAWOOD,

W/O MOHAMMED SHARIF,
R/O D. NO 18/60C,
DODDANAGUDDE SHAM CIRCLE ROAD,
KARAMBALLI, KUNJIBETTU POST,
UDUPI TALUK AND DIST-576102.

9. MRS. ZUHURA BEGUM,
AGED ABOUT 69 YEARS.
-W/O ABDUL MUTHALIB,
R/O D. NO 1-86, SHABNOOR MANZIL,
UPPOOR, KOLALAGIRI, UDUPI 576105.

10. MRS. SHABNOOR BEGUM,
AGED ABOUT 48 YEARS,
D/O ABDUL MUTHALIB,
R/O D. NO 12-147,
W/O T.S. RAHAMATHULLA,
SIHAN MANZIL, HOODE,
UDUPI TALUK AND DIST. 576115.

11. MR. MOHAMMED SHANAWAZ,
AGED ABOUT 47 YEARS,
S/O ABDUL MUTHALIB,
R/O D. NO 1-86, SHABNOOR MANZIL,
KOLALAGIRI POST, UPPOOR,
UDUPI 576105.

12. MRS. SHADATH BEGUM
AGED ABOUT 45 YEARS,
D/O ABDUL MUTHALIB,
W/O HIDAYATULLA SHALK,
R/O D. NO 1-176, IBRAHIM MANZIL,
RAILWAY STATION ROAD, POST BELAPU,
BADA, UCHILA, KAUP TALUK,
UDUPI DIST - 574117.

13. MR. MOHAMMED ASHRAF,
AGED ABOUT 43 YEARS,
S/O ABDUL MUTHALIB,

R/O D. NO 1-86,
SHABNOOR MANZIL, UPPOOR,
KOLALAGIRI, UDUPI 576105.

14. MR. MOHAMMED FAISAL
AGED ABOUT 39 YEARS,
S/O ABDUL MUTHALIB,
R/O D. NO 1-86,
SHABNOOR MANZIL,
UPPOOR, KOLALAGIRI,
UDUPI 576105.

15. MR. MOHAMMED ZAKI,
AGED ABOUT 35 YEARS,
S/O ABDUL MUTHALIB,
R/O D. NO 1-86, SHABNOOR MANZIL,
UPPOOR, KOLALAGIRI, UDUPI 576105.

16. MRS. SADHIKA BEGUM,
AGED ABOUT 33 YEARS,
S/O ABDUL MUTHALIB,
R/O D. NO 1-86, SHABNOOR MANZILUPPOOR,
KOLALAGIRI, UDUPI - 576105

17. MRS. KHAIRUNNISA
AGED ABOUT 65 YEARS,
R/O D. NO 10-3-16.
VIDYA SAMUDRA ROAD,
UDUPI TALUK AND DIST. 576101

18. MR. MOHAMMED BILAL.
AGED ABOUT 45 YEARS,
S/O SHARFUDDIN,
R/O D. NO 10-3-16,
VIDYA SAMUDRA ROAD,
UDUPI TALUK AND DIST.- 576101

19. MRS. ASMA BANU,
AGED ABOUT 43 YEARS,

D/O SHARFUDDIN,
W/O SHEIKH SARFARAZ NAWAZ,
R/O D. NO 2-122,
KATAPADI, MATTU,
KAUP TALUK AND UDUPI DIST.- 576105.

20. MRS. FARHAN @ FARHATH BANU,
D/O SHARFUDDIN,
R/O D. NO 1-59C,
AGED ABOUT 41 YEARS,
BEHIND ADIUDUPI MARKET YARD,
JAIJAWAN ROAD, POST AMBALPADI,
UDUPI TALUK AND DIST.- 576103.

21. MR. MOHAMMED SUHEB,
AGED ABOUT 38 YEARS,
S/O SHARFUDDIN,
R/O D. NO 10-3-16,
VIDYA SAMUDRA ROAD,
UDUPI TALUK AND DIST.- 576101

22. MRS. MAMTAZ BEGUM
AGED ABOUT 65 YEARS,
W/O MOHAMMED KHALIL,
R/O 10-3-15A, DAWOOD COMPOUND,
VIDYASAMUDRATHIRTHA MARGA,
UDUPI TALUK AND DIST.- 576101.

23. MR SHABRIN BABU
AGED ABOUT 42 YEARS
D/O MOHAMMED KHALIL
W/O RIZWAN AHAMAD
R/O 4-965/1, S A MANZIL
PADEEL KATTALSAR MANGALORE TALUK
DAKSHINA KANNADA DIST 574142

24. MR. MOHAMMED IMSHAD
AGED ABOUT 37 YEARS
S/O MOHAMMED KHALIL
R/O 10-3-15A, DAWOOD COMPOUND.

VIDYASAMUDRATHIRTHA MARGA,
UDUPI TALUK AND DIST.- 576101.

25. MRS. SABIHA BANU.
AGED ABOUT 34 YEARS.
D/O MOHAMMED KHALIL,
W/O ANWAR, R/O 10-234,
MANSOOR MANZIL, NEAR JADEED JAMIA MASJID.
TONSE WEST, UDUPI TALUK AND
DIST.- 576115.

26. MRS. SHEHAR BANU,
AGED ABOUT 65 YEARS,
W/O NOOR MOHAMMED,
R/O 10-3-16A, DAWOOD COMPOUND,
VIDYASAMUDRATHIRTHA MARGA,
UDUPI TALUK AND DIST.- 576101.

27. MR. MOHAMMAD IFTHIKHAR SHEIKH,
R/O 10-3-16A, DAWOOD COMPOUND,
AGED ABOUT 43 YEARS,
S/O NOOR MOHAMMED,
R/O 10+-3-16A, DWOOD COMPOUND,
VIDYASAMUDRATHIRTHA MARGA,
UDUPI TALUK AND DIST.- 576101.

28. MRS. RUBEENA BANU,
AGED ABOUT 42 YEARS,
D/O NOOR MOHAMMED,
R/O 12-156, BENGRE ROAD,
TONSE WEST, HOODE,
UDUPI TALUK AND DIST.- 576115.

29. MR MOHAMMAD ZIYA UR REHMAN
AGED ABOUT 41 YEARS
S/O NOOR MOHAMMED ,
R/O 10-3-16A AWOOD COMPOUND.
VIDVASAMUDRATHIRTHA MARGA,
UDUPI TALUK AND DIST.- 576101.

30. MR. MOHAMMED RIZWAN,
AGED ABOUT 39 YEARS,
S/O NOOR MOHAMMED.
R/O 10-3-16A, DAWOOD COMPOUND,
VIDYASAMUDRATHIRTHA MARGA,
UDUPI TALUK AND DIST.- 576101

31. MR. MOHAMMED REHAN,
AGED ABOUT 38 YEARS,
S/O NOOR MOHAMMED,
R/O 10-3-16A, DAWOOD COMPOUND,
VIDYASAMUDRATHIRTHA MARGA,
UDUPI TALUK AND DIST.- 576101.

32. MRS. LUBNA BANU,
AGED ABOUT 31 YEARS,
D/O NOOR MOHAMMED, VIDYASAMUDRATHIRTHA
MARGA, R/O 10-3-16A, DAWOOD COMPOUND,
UDUPI TALUK AND DIST.- 576101.

33. MRS. BIBI HAJIRA,
AGED ABOUT 60 YEARS,
W/O FAZEELATH AHMED,
R/O 10-3-15 A2, DAWOOD COMPOUND,
VIDYASAMUDRATHIRTHA MARGA,
NEAR GEETHANJALI THEATRE,
UDUPI TALUK AND DIST.- 576101.

34. MRS. ALIYA BANU,
AGED ABOUT 35 YEARS,
D/O FAZEELATH AHMED,
W/O SHAMEEM AKBAR BASHA,
R/O 3-66, NEW HOUSE,
GUDDEKERI MALLAR, PADU,
UDUPI 576106.

35. MRS. ASIYA BANU,
AGED ABOUT 33 YEARS,
D/O FAZEELATH AHMED

R/O 10-3-15 A2, DAWOOD COMPOUND,
VIDYASAMUDRATHIRTHA MARGA,
NEAR GEETHANJALI THEATRE,
UDUPI TALUK AND DIST.- 576101.

36. MR. MOHAMMED FARHAN FAZILATH
AHMED, AGED ABOUT 29 YEARS,
S/O FAZEELATH AHMED,
R/O 10-3-15 A2, DAWOOD COMPOUND,
VIDYASAMUDRATHIRTHA MARGA,
NEAR GEETHANJALI THEATRE,
UDUPI TALUK AND DIST.- 576101.

37. MRS. FARZANA BEGUM,
AGED ABOUT 58 YEARS,
W/O MOHAMMED HASHIM,
R/O FLAT NO 5A-501,
5TH FLOOR, B TOWER,
MANDAVI PRICE PALACE,
THANGADAGADI,
UDUPI TALUK AND DIST.- 576105.

38. MR. MOHAMMAD FAHAD,
AGED ABOUT 38 YEARS,
W/O MOHAMMED HASHIM,
R/O FLAT NO 5A-501,
5TH FLOOR, B TOWER,
MANDAVI PRICE PALACE,
THANGADAGADI,
UDUPI TALUK AND DIST.- 576105.

39. MRS. FARNAZ BEGUM,
AGED ABOUT 33 YEARS,
D/O MOHAMMED HASHIM,
R/O 6-69D, HASHIM MANZIL,
EIND BAIL, UDYAVARA, UDUPI 574118.

…RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED EX-PARTE AD-INTERIM ORDER PASSED ON IA NO.II FILED BY THE RESPONDENT NO.1, DATED 08.09.2026 PASSED BY III ADDITIONAL CIVIL JUDGE AND JMFC AT UDUPI IN OS NO.570/2026, AGAINST THE PETITIONER VIDE ANNEXURE -A.

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 petitioners files a memo dated 27.10.2026 seeking leave of this Court to withdraw the present writ petition.

2. Memo is taken on record.

3. In view of the memo, the present writ petition is ***dismissed as withdrawn***.

Liberty is granted to the petitioners to file appropriate appeal/petition before the Jurisdictional Court.

SD/-
(K. V. ARAVIND)
JUDGE

DDU/List No.: 1 Sl No.: 109