



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

REVIEW PETITION NO.65 OF 2025

IN

MFA NO.4806/2018 (CPC)

BETWEEN:

1. M/S. BLUE HORIZON HOTELS PRIVATE LIMITED,
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT 1956,
HAVING REGISTERED OFFICE
AT NO.172/1, SRINIVAS INDUSTRIAL ESTATE,
N.S.PALYA, BANNERGHATTA ROAD,
BENGALURU-560 076,
REPRESENTED BY ITS DIRECTOR
SRI. SACHIN RAJU.

...PETITIONER

(BY SRI. CHANDRASHEKARA REDDY R.A., ADVOCATE)

AND:

1. M/S. GAURAV ROSE REAL ESTATE PRIVATE LIMITED,
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT 1956,
HAVING ITS REGISTERED OFFICE
AT 9/12, LAL BAZAAR STREET,
MERCHANTILE BUILDING,
BLOCK-E, 2ND FLOOR,
KOLKOTA-700 001,
REPRESENTED BY ITS
AUTHORIZED SIGNATORY
ROHAN AGARWAL.





2. M/S. PHOENIX ARC PRIVATE LIMITED,
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956
HAVING REGISTERED OFFICE AT:
7TH FLOOR, DANI CORPORATE PARK,
158 CST ROAD, KALINA SANTACRUZ (E)
MUMBAI -400 098.
REPRESENTED BY ITS SENIOR ASSOCIATE,
VAIBHAV MAHESWARI.
3. M/S. EDELWEISS ASSET RECONSTRUCTION
COMPANY LIMITED,
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT 1956,
HAVING ITS REGISTERED OFFICE AT
EDELWEISS HOUSE,
C.S.T.ROAD, KALINA, MUMBAI,
BY ITS MANAGING DIRECTOR,
SIBY ANTONY.
4. M/S A.S.MUNISWAMY RAJU,
HINDU UNDIVIDED FAMILY
REPRESENTED BY ITS KARTHA,
MR. A.M. RAJU,
S/O LATE A.S.MUNISWAMY RAJU,
AGED ABOUT 73 YEARS,
RESIDING AT NO.536, 10TH MAIN,
5TH BLOCK, JAYANAGAR,
BENGALURU - 560 041.

...RESPONDENTS

(BY SRI. AJESH KUMAR S., ADVOCATE FOR R1;
NOTICE TO R2 TO R4 IS DISPENSED WITH
VIDE ORDER DATED 23.07.2025)

THIS REVIEW PETITION IS FILED UNDER SECTION 114
R/W ORDER 47 RULE 1 OF CPC 1908, PRAYING TO ALLOW
THIS REVIEW PETITION CLARIFYING THAT IN THE JUDGMENT
DATED 23.11.2024 PASSED IN MFA NO.4806/2018 STATING AT
PARAGRAPH NO.34 THAT THE RESPONDENT NO.1 PAID THE
ENTIRE PRINCIPAL AMOUNT OF RS.5 CRORES AND IN
ADDITION, RS.94 LAKHS WHICH WAS PAYABLE IN RESPECT OF



ANOTHER SISTER COMPANY OF THE PLAINTIFF, HAS ALREADY BEEN PAID, IN THE ENDS OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for the review petitioner and the learned counsel for respondent No.1.

2. The learned counsel for the review petitioner submits that the observations made by this Court in paragraph No.34 is to be reviewed and also clarified with regard to the total amount. The learned counsel submits that in paragraph No.17 made it clear with regard to payment is concerned.

3. This Court has observed in paragraph No.34 with regard to the payment is concerned whether it is in terms of the document of unregistered mortgage deed or in terms of contractual liability is to be taken note while considering the matter on merits. Now the trial is going on and already evidence is commenced and the matter is listed for reply arguments. When such being the case, the question of clarifying the same does not arise and the same is a matter of



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merits. The Trial Court can adjudicate the issue involved between the parties and hence, not made any ground to review the order. Hence, the review petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 13