



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

WRIT PETITION NO. 54518 OF 2017 (GM-CPC)

BETWEEN:

1. SMT. ALICE CARRI
W/O LATE S.X. CARRI
AGED ABOUT 79 YEARS.
2. SRI S. X. CARRI
S/O LATE CARRI
SINCE DEAD, REPRESENTED BY LRS
PETITIONER NOS.\. 1 AND 3-5
(ALREADY ON RECORD)
THROUGH SMT. ALICE CARRI
PETITIONER NO.1 FOR HERSELF
AND FOR PETITIONER NOS. 3-5.
3. SMT. ANU CARRI
D/O SRI S.X. CARRI
AGED ABOUT 47 YEARS
REPRESENTED BY SMT. ALICE CARRI
MOTHER AND AUTHORISED
REPRESENTATIVE, AS GPA HOLDER
VIDE GPA DATED 27.08.2021.
4. SMT. ASHA KAMBLE
D/O SRI S.X. CARRI
AGED ABOUT 51 YEARS
REPRESENTED BY SMT. ALICE CARRI
MOTHER AND AUTHORISED REPRESENTATIVE
AS GPA HOLDER VIDE GPA DATED 27.08.2021.
5. SRI ABU CARRI
S/O SRI S.X. CARRI
AGED ABOUT 45 YEARS
REPRESENTED BY SMT. ALICE CARRI
MOTHER AND AUTHORISED REPRESENTATIVE



AS GPA HOLDER VIDE GPA DATED 27.08.2021

ALL PETITIONERS RESIDING AT #525
"CARRI VILLA", 6TH MAIN, 6TH CROSS,
4TH BLOCK, KORAMANGALA,
BENGALURU - 560 034.

...PETITIONERS

(BY SRI NANDISH PATEL, ADV.)

AND:

1. M/S. D.T. PROPERTIES
A REGISTERED PARTNERSHIP FIRM
HAVING ITS OFFICE AT: 77/A
D.V.G. ROAD, BASAVANAGUDI,
BENGALURU-560 004,
REPRESENTED BY ITS PARTNERS.

SRI MADHUSUDHAN VISHWANATH
PAN:AHPPV8423N
AADHAAR:2789 9886 5507
SRI B.S. JAYATHEERTHA
PAN:AGIPJ5653L
AADHAAR:2876 5112 7362.

2. M/S. RASHI DEVELOPERS
A REGISTERED PARTNERSHIP FIRM
HAVING ITS OFFICE AT: C-205
2ND FLOOR, HOUSE OF LORDS,
ST. MARKS ROAD, BENGALURU - 560 001
REPRESENTED BY TIS PARTNERS,
SRI RAMANA PRASAD REDDY THROUGH
HIS AUTHORISED REPRESENTATIVE
SMT. JEEVITHA R
AS GPA HOLDER VIDE GPA DATED 11.04.2022
AND SRI SHIVAKUMAR C UDASI.

...RESPONDENTS

(BY SMT. SOWMYA ANANTH, ADV, FOR R-1;
SRI S. SREEVATSA, SR. COUNSEL FOR
SRI SANDEEP LAHIRI, ADV., FOR R-2)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED
ORDER DTD14.11.2017 [ANNEXURE-R] PASSED IN O.S.NO.26235/17



BY THE XXVI ADDL. CITY CIVIL JUDGE, MAYO HALL, BENGALURU AS BEING PATENTLY ILLEGAL, PERVERSE AND UNSUSTAINABLE IN LAW.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Defendant nos.1 to 5 in O.S.No.26235/2017 pending before the Court of XXVI Addl. City Civil Judge, Mayo hall, Bengaluru have filed this writ petition under Article 227 of the Constitution of India seeking for the following reliefs:

"PRAYER

"(a) Issue a writ of certiorari or any other writ, order or direction quashing or setting aside the Impugned Order dated 14 November 2017 (Annexure R) passed in OS No. 26235/2017 by the XXVI Addl. City Civil Judge, Mayo Hall, Bengaluru as being patently illegal, perverse and unsustainable in law;

(b) Issue any other writ, order or direction dismissing the entire proceedings/Suit instituted under Order VII Rule 1 Read with Section 26 of the Code of Civil Procedure, 1908, as being wholly without jurisdiction, and an abuse of process of law, pending on the file of the XXVI Addl. City Civil Judge, Mayo Hall, Bengaluru;

(c) Issue any other writ, order of prohibition/injunction restraining the Respondents, their men or anyone claiming under them from interfering with the peaceful possession and enjoyment of the Schedule Property by the Petitioners without creating any hindrances or hurdles with respect to the Schedule Property;

(d) Award costs of these proceedings;



(e) Pass any other order, which this Hon'ble Court may deem fit and proper in the present facts and circumstances of the case and in the interests of justice."

2. Learned counsel for the parties jointly submit that during pendency of this petition, the dispute between the parties has been amicably settled out of the Court and the settlement terms are reduced into writing and a joint memo is today filed before this Court, which is signed by the parties and their respective advocates.

3. The said joint memo dated 17.10.2025 is taken on record.

4. The parties who are present in person before the Court are identified by their respective advocates and it is stated that settlement arrived between the parties is voluntary without there being any undue influence and coercion. In paragraph No.VI to VIII of the joint memo it is stated as follows:

1. *"VI Now, the Petitioners and the Respondents herein have agreed to the following terms and conditions which are set out as under:-*
2. *The Petitioners and Respondents have mutually and amicably settled all their disputes / claims pending between them in respect of the Schedule Property*



vide Confirmation Deed dated 15.10.2025 and the Parties hereby undertake and confirm to abide by the same. A copy of the Confirmation Deed is produced herewith as Annexure A for kind perusal of this Hon'ble Court.

3. *The Parties herein pray that this Hon'ble Court may be pleased to quash and set aside the Impugned Order dated 14 November 2017 (Annexure-R) passed in OS No. 26235/2017 pending on the file of XXVI Addl. City Civil and Sessions Judge, Bengaluru (CCH-20).*
4. *The Parties herein further pray that this Hon'ble Court may be pleased to dismiss the entire proceedings/Suit instituted under Order VII Rule 1 Read with Section 26 of the Code of Civil Procedure, 1908 as being without jurisdiction pending on the file of the XXVI Addl. City Civil and Sessions Judge, Bengaluru (CCH 20) and consequently allow the Writ Petition as prayed for in the interests of justice and equity.*
5. *The Respondent No. 1 hereby affirms and confirms that its claims are settled in full and that the Respondent No. 1 has no claims, rights, title or interest whatsoever in respect of Schedule Property in any manner whatsoever.*
6. *The Parties herein agree, affirm and confirm that in terms of Confirmation Deed dated 15.10.2025 and above Joint Memo, the Parties have settled all the claims/demands/disputes whatsoever.*
- VII. *The Parties hereby consent for this Joint Memo and the parties herein are submitting this Joint Memo by signing it with a clear intent to settle their long pending disputes and to resolve the same amicably.*
- VIII. *The Parties have entered into the Joint Memo out of their own free will and volition; towards full and final settlement of their claims in relation to the Schedule Property as per Confirmation Deed and the Parties have agreed that they will have no claims whatsoever against each other".*



5. Considering the submission made on behalf of the parties and also taking into consideration the terms of settlement, I am of the opinion that this writ petition requires to be disposed of in terms of joint memo dated 17.10.2025, which is filed before this Court.

6. Accordingly, the following :-

ORDER

Writ petition is disposed of in terms of settlement between the parties, reported to this Court under the joint memo dated 17.10.2025.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE