



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

COMMERCIAL APPEAL NO.159/2023

BETWEEN:

M/S. ZAIRA VENTURES PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT 1956
WITH ITS OFFICE AT NKS TOWER
MAVELIPURAM
NEAR BREAD WORLD KAKKANAD 682030
ERNAKULAM DISTRICT
KERALA STATE.

REP. BY ITS MANAGING DIRECTOR
MR. AJAS N.S.
S/O SHAMSU N.K.
AGED ABOUT 36 YEARS
R/AT. NADUVILE VALAMKOTTIL
KOLLAM KUDYMUGAL ROAD
VIJO BHAVARR, TRIKKAKARA
ERNAKULAM DISTRICT
KERALA STATE 682021.

...APPELLANT

(BY SRI. RAJASHEKAR S, ADV.,)

AND:

1. MRS. M. RUPA
W/O LATE SRINIVASIAH MEDISETTY
AGED ABOUT 60 YEARS.





2. MRS. SHIRISHA MEDISETTY
D/O LATE SRINIVASIAH MEDISETTY
W/O SHASHIDHAR MEDISETTY
AGED ABOUT 40 YEARS.

3. MR. M. SHARAT CHANDRA
S/O LATE SRINIVASIAH MEDISETTY
AGED ABOUT 38 YEARS.

4. MRS. SHWETHA
D/O LATE SRINIVASIAH MEDISETTY
W/O HARIKRISHNA NATWA
AGED ABOUT 36 YEARS.

RESPONDENT NOS.1 TO 4 ARE
R/AT. KARISHMA CRYSTAL APARTMENTS
NO.306, 3RD FLOOR, 3RD MAIN
J.N. ROAD, RAJARAJESHWARI NAGARA
BENGALURU 560098.

5. M/S. VINAYAKA STONE CRUSHER
A PARTNERSHIP FIRM
WITH ITS OFFICE AT NO.3
8TH CROSS, BEHIND NANJAPPA COMPLEX
RAGHUVANAHALLI, TALAGHATTAPURA POST
BENGALURU 560062
REPRESENTED BY ITS PARTNERS.

6. MR. VISHWAS
S/O R. NARAYANASWAMY
AGED ABOUT 30 YEARS
R/AT NO.25, BANASHANKARI NILAYA
8TH CROSS, NEW BANK COLONY
KONANAKUNTE, BENGALURU 560062.

7. MR. A.D. MOHAN
S/O A.C. DEVAIAH
AGED ABOUT 53 YEARS
R/AT. NO.2, NEAR GOVT. SCHOOL
KOPPA GATE, JIGANI HOBLI
ANEKAL TALUK
BENGALURU URBAN DISTRICT 560015.



**NC: 2026:KHC:11912-DB
COMAP No.159/2023**

8. MR. CHETHAN
S/O SOMASHEKHAR
AGED ABOUT 37 YEARS
R/AT. NO.14, KODIPALYA
RAMOHALLI LAKE, KENGERI HOBLI
BENGALURU SOUTH TALUK 560060.
9. MR. JAYANTH
S/O NARAYANASWAMY
AGED ABOUT 26 YEARS
R/AT. NO.25, BANASHANKARI NILAYA
8TH CROSS, NEW BANK COLONY
KONANAKUNTE, BENGALURU 560062.

...RESPONDENTS

(BY SRI. NAGARAJA HEGDE, ADV., FOR R1 TO R9)

THIS COMMERCIAL APPEAL/COMAP IS FILED UNDER SECTION 13(1-A) OF COMMERCIAL COURTS ACT, PARYING TO CALL FOR THE RECORDS IN COM.O.S.NO.25675/2022 ON THE FILE OF LXXXIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, (CCH-85), BENGALURU. SET ASIDE ORDER DATED 01.04.2023 PASSED IN I.A.NO.4 FILED BY APPELLANT/PLAINTIFFS UNDER ORDER VI RULE 17 OF CPC, IN COM O.S.NO.25675/2022 ON THE FILE OF HON'BLE LXXXIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, (CCH-85), BENGALURU & ETC.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

Learned counsel for the appellant has filed a memo seeking leave of the Court to withdraw the appeal. The memo is placed on record.

2. Learned counsel for the appellant submits that he would avail the remedy by filing a writ petition or revision petition and till filing of the same, the interim order granted by this Court may be continued.

3. His submission is placed on record.

4. In view of the above, the appeal is ***dismissed*** as withdrawn.

5. Interim order granted by this Court shall enure to the benefit of the appellant for a period of two weeks from today.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**