



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 17504 OF 2024 (GM-CPC)

C/W

WRIT PETITION NO. 27202 OF 2025 (GM-CPC)

IN WP NO. 17504/2024

BETWEEN:

SRI PRAKASH PAUL C
S/O LATE SRI T CHINNASWAMY REDDY
AGED ABOUT 48 YEARS
R/AT NO 42, CHURCH MAIN ROAD
ERANNA PALYA, ARABIC COLLEGE POST
BENGALURU -560045.

...PETITIONER

(BY SRI. MANMOHAN P N., ADVOCATE)

AND:

SMT T PHILOMENA
D/O LATE SRI THOMASAPPA
SINCE DEAD BY LRS

1. SRI G VINCENT THOMAS
S/O LATE GABRIEL A @ GABRIEL REDDY
AGED ABOUT 54 YEARS
R/AT NO 91, M M REDDY ROAD
MARIYANNAPALYA, H A FARM POST
BENGALURU-560024.
2. SRI ROMARIO VINCENT THOMAS
S/O SRI G VINCENT THOMAS
AGED 24 YEARS
R/AT NO 91, M M REDDY ROAD





MARIYANNAPALYA, H A FARM POST
BENGALURU-560024.

3. SRI ANAND SURANA
S/O GHEVARCHAND SURANA
AGED ABOUT 51 YEARS
R/AT SURANA VILLA, NO 45/3
FAIR FILED LAYOUT
RACE COURSE ROAD
BENGALURU 560001

...RESPONDENTS

(BY SRI. D S A RONALD I., ADVOCATE FOR R1 & R2:
SRI K SRIHARI, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET
ASIDE THE ORDER DATED: 07.10.2023 PASSED ON THE
COMPROMISE PETITION FILED UNDER ORDER XXIII RULE 3 OF
CPC FILED BY R-1, 2 AND 3 BY THE COURT OF THE XL
ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU
IN O.S.NO. 1629/2020 (PRODUCED AT ANNEXURE-D) AND
ETC.

IN WP NO. 27202/2025

BETWEEN:

SRI. PRAKASH PAUL
S/O LATE SRI T CHINNASWAMY REDDY
AGED ABOUT 48 YEARS
R/AT NO.42, CHURCH MAIN ROAD
ERANNA PALYA, ARABIC COLLEGE POST
BENGALURU – 560045

...PETITIONER

(BY SRI. P N MANMOHAN., ADVOCATE)

AND:

SMT. T. PHILOMENA
D/O LATE SRI THOMASAPPA
SINCE DEAD BY LRS



1. SRI G VINCENT THOMAS
S/O LATE GABRIEL A @ GABRIEL REDDY
AGED ABOUT 54 YEARS
R/AT NO. 91, M.M.REDDY ROAD
MARIYANNAPALYA, H.A. FARM POST
BENGALURU – 560024.
2. SRI ROMARIO VINCENT THOMAS
S/O SRI G VINCENT THOMAS
AGED ABOUT 24 YEARS
R/AT NO. 91, M.M.REDDY ROAD
MARIYANNAPALYA, H.A. FARM POST
BENGALURU – 560024.
3. SMT. ROSE MARY
D/O LATE SRI THOMASAPPA
W/O LATE SRI C PHILOMENA RAJ
AGED ABOUT 72 YEARS
R/AT 11 BACHAMMAL ROAD
COX TOWN, BENGALURU -560 005.
4. SRI ANAND SURANA
S/O GHEVERCHAND SURANA
AGED ABOUT 51 YEARS
R/AT SURANA VILLA, NO. 45/3
FAIRFIELD LAYOUT, RACE COURSE ROAD
BENGALURU – 560001.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 07/10/2023 PASSED ON THE COMPROMISE PETITION FILED UNDER ORDER XXIII RULE 3 OF CPC FILED BY R3 AND 4 PASSED BY THE COURT OF THE XL ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU IN OS NO. 1629/2020 (PRODUCED AT ANNEXURE-D) AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD



ORAL ORDER

IN W.P.No.17504/2024

1. In this writ petition, the petitioner-defendant No.12 has called in question the order dated 07.10.2023 passed by the XL Addl. City Civil and Sessions Judge, Bengaluru, (for short 'Trial Court') in O.S.No.1629/2020 to the extent of order passed on the compromise petition filed by the plaintiffs and defendant No.16 (respondents herein).

2. The Apex Court in the case of **Triloki Nath Singh vs. Anirudh Singh (Dead) through legal representatives and others** reported in **(2020) 6 SCC 629** has held that any person aggrieved by an order passed on the compromise filed under Order XXIII Rule 3 of CPC, has to approach the very same Court by filing necessary application.

3. In light of the aforesaid settled position of law, the writ petition is disposed of reserving liberty to the



petitioner to approach the very Trial Court, by filing necessary application.

4. All contentions of the parties are kept open.

5. Interim order granted by this Court, shall remain in force for a period of five weeks from the date of this order.

IN W.P.No.27202/2025

1. In this writ petition, the petitioner-defendant No.12 has called in question the order dated 07.10.2023 passed by the XL Addl. City Civil and Sessions Judge, Bengaluru, (for short 'Trial Court') in O.S.No.1629/2020 on a compromise petition filed by the defendant No.8 and defendant No.16 (respondent Nos.3 and 4 herein).

2. The Apex Court in the case of **Triloki Nath Singh vs. Anirudh Singh (Dead) through legal representatives and others** reported in **(2020) 6 SCC 629** has held that any person aggrieved by an order passed on the compromise filed under Order XXIII Rule 3



of CPC, has to approach the very same Court by filing necessary application.

3. In light of the aforesaid settled position of law, the writ petition is disposed of reserving liberty to the petitioner to approach the Trial Court, by filing necessary application.

4. All contentions of the parties are kept open.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 59