



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO.101583 OF 2026 (GM-CPC)

BETWEEN:

SMT. ROSHANABI A.MAISHALE
DECEASED DEFT. NO.1
LR'S GUDUSAHAB A.MAISHALE
DECEASED DEFT. NO.2

1. SMT. DULHAN.G.MAISHALE (MHAISHALE)
W/O: LATE GUDUSAHAB
ALLAH BAKSHA MAISHAL (MHAISHALE)
AGE: 55, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

2. SMT. BISMILA.I.SYED
W/O: ILLAI SYED
AGE: 39, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

3. SHRI. ALLAHBAKSH.G.MAISHALE (MHAISHALE)
S/O: LATE GUDUSAHAB
ALLAH BAKSHA MAISHALE (MHAISHALE)
AGE: 37, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

4. SHRI. RIYAZ.G.MAISHALE (MHAISHALE)
S/O: LATE GUDUSAHAB
ALLAH BAKSHA MAISHALE (MHAISHALE)
MET AGE: 32, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

5. SHRI. ALTAF.G.MAISHAL (MHAISHALE)
S/O: LATE GUDUSAHAB

Digitally signed by
MOHANKUMAR B
SHEKHAR
Location: HIGH
COURT OF
KARNATAKA



ALLAH BAKSHA MAISHAL (MHAISHALE)
AGE: 30, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

6. SHRI. MUSTAK.G.MAISHAL (MHAISHALE)
S/O: LATE GUDUSAHAB
ALLAH BAKSHA MAISHAL (MHAISHALE)
AGE: 26, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

ABUBAKAR A.MAISHAL
DECEASED DEFT. NO.3

7. SMT. AMEENA MAISHAL (MHAISHALE)
W/O: LATE ABUBAKAR
ALLAH BAKSHA MAISHAL (MHAISHALE)
AGE: 52, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

8. SMT. NOUSHAD.Y.SYED,
W/O: YUNUS SYED, AGE: 39, OCC: AGRI
AT/POST: CHIKODI, TQ: CHIKODI,
DIST: BELAGAVI-591201.

9. SMT. MASAI.S.DANGE
W/O: SALIM DANGE
AGE: 32, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

10. SHRI. JAVED.A.MAISHAL (MHAISHALE)
S/O: LATE ABUBAKAR
ALLAH BAKSHA MAISHAL (MHAISHALE)
AGE: 31, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

11. SHRI. FAROOQ.A.MAISHALE (MHAISHALE)
S/O: LATE ABUBAKAR
ALLAH BAKSHA MAISHAL (MHAISHALE)
AGE: 27, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.



12. SHRI. DUSTAGIR.S.MAISHALE (MHAISHALE)
S/O: LATE SAMADH BANDHU MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TG: KAGWAD,
DIST: BELAGAVI-591303.

RAMJAN S.MHAISHALE
DECEASED DEFT NO.6

13. SMT. MAMTAZ.R.MAISHALE (MHAISHALE)
W/O: LATE RAMJAN.SAMDH .MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

14. SHRI. NIYAZ.R.MAISHALE (MHAISHALE)
S/O: LATE RAMJAN.SAMDH MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR,TQ: KAGWAD,
DIST: BELAGAVI-591303.

15. SMT. SANA.R.MAISHALE (MHAISHALE)
D/O: LATE RAMJAN.SAMDH MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

16. SHRI. AKBAR. M. MAISHALE (MHAISHALE)
S/O: LATE MOHAMMADHUSSAIN MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

17. SMT. JULEKHA.M.MAISHALE (MHAISHALE)
MOTHER OF DEFT.NO.7
W/O: LATE. MOHAMMAD HUSSAIN
MHAISHALE (MOTHER OF DEFT. NO.7)
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

HIBRAHIM MAISHALE
DECEASED DEFT NO.8

18. SHRI. YUNUS.H.MAISHALE (MHAISHALE)
S/O: LATE HIBRAHIM(IBRAHIM) MHAISHALE



AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

19. SMT. SHABERA/UMRAFAROOQ LENGRE
D/O: LATE HIBRAHIM (IBRAHIM) MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

20. SMT. YASMIN/MUNIR MULLA
D/O: LATE HIBRAHIM (IBRAHIM) MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

21. SMT. RABIYA/RIYAZ MUNIR
D/O: LATE HIBRAHIM (IBRAHIM) MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

22. SMT. FARAVEEN/AMIN MUMINA
D/O: LATE HIBRAHIM (IBRAHIM) MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

MUNIR BHANDU MHAISHALE
DECEASED DEFT NO.9

23. SMT. SHAHIDA. M.MAISHALE (MHAISHALE)
W/O: LATE MUNIR BHANDU MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303

24. SHRI. LAZAMA.M.MAISHALE (MHAISHALE)
S/O: LATE MUNIR BHANDU MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

25. SHRI. TOUFIQ.M.MAISHALE (MHAISHALE)
S/O: LATE MUNIR BHANDU MHAISHALE
AGE: MAJOR, OCC: AGRI



AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

26. SHRI. IFRAN.M.MAISHALE (MHAISHALE)
S/O: LATE MUNIR BHANDU MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

27. SMT. FATIMA/RAFIQAHMED LENGRE
D/O: LATE MUNIR BHANDU MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

28. SMT. SALMA/RIYAZ SOUDHAGAR
D/O: LATE MUNIR BHANDU MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

KARIM BHANDU MHAISHALE
DECEASED DEFT. NO.10

29. SMT. MAMATAZ.K.MAISHALE (MHAISHALE)
W/O: LATE KARIM BHANDU MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

30. SHRI. GAPOOR.K.MAISHALE (MHAISHALE)
S/O: LATE KARIM BHANDU MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

31. SHRI HARUN.B.MAISHALE (MHAISHALE)
S/O: BHANDU MHAISHALE
AGE: MAJOR, OCC: AGRI
AT/POST: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.

...PETITIONERS

(BY SMT. VIDYAVATI M.KOTTURSHETTAR, ADVOCATE)



HC-KAR

NC: 2026:KHC-D:4404
WP No. 101583 of 2026

AND:

1. SHRI MAHAMMADHANIF. V.MULLA
S/O: VALLISAB MULLA
AGE: 65 YRS, OCC: AGRI,
R/O: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.
2. SHRI. YASHIN. A.MAISHALE (MHAISHALE),
S/O: ALLAHBHAKSH, AGE: MAJOR, OCC: AGRI,
R/O: WHEREABOUT NOT KNOWN.
TQ: KAGWAD, DIST: BELAGAVI-591303.
3. SHRI ABDUL. R. MAISHALE (MHAISHALE)
S/O: RAZAK MHAISHALE, AGE: MAJOR, OCC: AGRI,
R/O: AINAPUR, TQ: KAGWAD,
DIST: BELAGAVI-591303.
4. SHRI GULAB.M.MAISHALE (MHAISHALE)
S/O: MAKTHUM MHAISHALE
AGE: MAJOR, OCC: AGRI,
R/O: AINAPUR, TQ:KAGWAD,
DIST: BELAGUM-591303.
5. SHRI ABDUL. B. MAISHALE (MHAISHALE)
S/O BAPU MHAISHALE
AGE: MAJOR, OCC: AGRI,
R/O: AINAPUR, TQ:KAGWAD,
DIST: BELAGUM-591303.

...RESPONDENTS

(BY SRI. S.A. SONDUR, ADVOCATE FOR C/R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED COMPROMISE DECREE/AWARD DATED 01.04.2009 PASSED IN O.S.NO.462/2009 AS PER ANNEXURE-A BY THE LEARNED DISTRICT JUDGE IN THE COURT OF PRL. CIVIL JUDGE (JR.DN) AND JMFC, ATHANI IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

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



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

The petitioner has filed this writ petition challenging the compromise decree dated 01.04.2009 passed in O.S.No.462 of 2009. It is also contended that the petitioner has filed an application in I.A.No.1 to set aside the compromise decree passed in the aforesaid suit before the trial court vide Annexure-F. The petitioner having filed an application in the said suit which is pending for consideration has filed writ petition seeking the similar prayer.

2. Heard the arguments of the learned counsel for the petitioners and the learned counsel for the respondents.

3. Learned counsel for the petitioners submits that the respondent has obtained the compromise decree in O.S.No.462 of 2009 by playing a fraud. She submits that the petitioners have filed an application vide Annexure-F before the trial court for setting aside the compromise



decree dated 01.04.2009. The said application is pending, and the trial court has not passed any order on the said application. She submits that in case, if this court comes to a conclusion that the petitioner cannot initiate a parallel proceeding, a direction may be issued to the trial court to pass appropriate order on I.A.No.1, vide Annexure-F within the time limit. Hence, on these grounds, she prays to dispose of the writ petition.

4. *Per contra*, the learned counsel for the respondents admitted that the petitioners have already approached the trial court for setting aside the compromise decree by filing an application vide Annexure-F. Hence, he prays to issue a direction to the trial court to dispose of the application filed by the petitioners, in accordance with law.

5. Perused the records and considered the submissions of the learned counsel for the parties.

6. It is an undisputed fact that suit was filed in O.S.No.462 of 2009, and it is alleged that a compromise



decree was drawn. The petitioners have made several allegations against the respondent, alleging that the respondent has played a fraud and obtained a fraudulent compromise decree. The petitioners, prior to the filing of this writ petition, approached the trial court by filing an application in 2019, for setting aside a compromise decree vide Annexure-F. The trial court has not passed any order on the said application. Hence, the petitioners are forced to approach this court seeking to set aside the compromise decree.

7. Admittedly, the petitioners have already approached the trial court, and sought for setting aside the compromise decree. When an application is pending, the petitioners cannot seek the same relief in the writ petition. The relief sought in this writ petition and in I.A.No.1, i.e., vide Annexure-F are one and the same. The petitioners can pursue the application in I.A.No.1 filed before the trial court. The petitioners cannot initiate a parallel proceedings. The law permits a litigant to find out a litigation and seek a



redressal in respect of his claim in only one forum. A litigant cannot be allowed to proceed with two parallel proceedings and seek redressal. Considering the proposition of law laid down by the High Court of Patna in the aforesaid case, I do not find any grounds to entertain the writ petition. Accordingly, I proceed to pass the following:

ORDER

- i) The writ petition is dismissed.
- ii) A liberty is reserved to the petitioners to pursue the application filed before the trial court, vide Annexure-F.
- iii) The trial court is directed to dispose of the said application at Annexure-F, in accordance with law, within a period of three months from the date of receipt of a certified copy of this order.
- iv) All the contentions of the parties are kept open.
- v) Pending applications, if any, shall stand disposed of.

**Sd/-
(ASHOK S. KINAGI)
JUDGE**