



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2023

BEFORE

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

WRIT PETITION NO. 9600 OF 2022 (GM-RES)

BETWEEN:

1. SMT. SUDHA REDDY
AGED ABOUT 53 YEARS
W/O SRI. PUNURUJAGADEESHWARA REDDY
RESIDING AT NO.4/28,
BHEL HIG, PHASE-II,
USHODAYA ENCLAVE,
MADINAGUDA, THIRUMALAGIRI
HYDERABAD
ANDHRA PRADESH STATE-500 070.
2. SRI. RAJAPPA KANTHARAJA,
AGED ABOUT 56 YEARS,
S/O LATE RAJAPPA,
RESIDING AT NO. 213/Y, 13th MAIN,
III BLOCK, RAJAJINAGAR,
BENGALURU-560 010.

...PETITIONERS

(BY SRI. KIRAN S. JAVALI, SR. COUNSEL FOR
SRI. MADHU N. RAO., ADVOCATE)

AND:

1. SMT. JAYANTHI G RAVI
MAJOR IN AGE
W/O
RESIDING AT NO.1369,
31st CROSS, 16th MAIN,
BANASHANKARI II STAGE,
BENGALURU-560 070.





2. CHEMIZOL ADDITIVES PRIVATE LIMITED,
R/O AT PLOT NO.19, E & F,
BIDADI INDUSTRIAL AREA,
II PHASE, SECTOR-I
THALAKUPPE VILLAGE,
BIDADI HOBLI, RAMANAGARA DISTRICT,
BENGALURU RURAL-562 109.
REPRESENTED BY ITS: DIRECTOR.

...RESPONDENTS

(BY SRI. ADITYA SONDHI, SR. COUNSEL FOR
SRI. ARCHISHMAN CHAUDHURY, ADVOCATE FOR R1,
SRI. AMSHUMAN .M, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASHING THE NCLT BENGALURU ORDER DATED 23.02.2022
PRODUCED AT ANNEXURE-A AND ETC.,

THIS PETITION COMING ON FOR ORDERS THIS DAY, THE
COURT MADE THE FOLLOWING:

ORDER

The matter having been argued for sometime,
learned Senior Counsel Sri. Kiran S Javali for the advocate
on record and on his instructions submits that the
petitioners may be permitted to withdraw the petition with
liberty to approach the NCLT *inter alia* on the grounds of
fraud & fabrication. Although this is vehemently opposed
by the learned Senior Advocate Sri. Aditya Sondhi
appearing for the answering Respondent, this Court is of a
considered opinion in the light of decision of Apex Court in



SHEELA BARSE vs. UNION OF INDIA, & OTHERS, 1988 (4)
SCC 226 that ordinarily, right to withdraw the case should
be conceded to litigants, subject to all just exceptions.

In view of the above, Petition is disposed off as
having been withdrawn with liberty reserved to petitioners
to go before the NCLT in accordance with law.

Costs made easy.

Sd/-
JUDGE

DS
List No.: 1 Sl No.: 6