

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19<sup>TH</sup> DAY OF MAY, 2021

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

**WRIT PETITION NO.8685 OF 2021 (GM-RES)**

**BETWEEN**

1. THE MYSORE STONEWARE PIPES  
AND POTTERIES LTD.,  
A COMPANY INCORPORATED UNDER THE  
COMPANIES ACT 1956 AND  
HAVING ITS REGISTERED OFFICE AT:  
NO.452, 11<sup>TH</sup> CROSS, 6<sup>TH</sup> MAIN  
SADASHIVNAGAR  
BANGALORE-560 080.
2. MR. M.N. RAMU JAGIRDAR  
S/O LATE SRI NANJAPPA R JAGIRDAR  
AGED ABOUT 80 YEARS  
R/AT 205, KAMRAJ ROAD  
BANGALORE-560 042.
3. MR. RAJEEV RAMUHALLI  
S/O LATE SRI HARSHAVARDHAN  
AGED ABOUT 56 YEARS  
R/AT 151, 4<sup>TH</sup> MAIN, CHAMRAJPET  
BANGALORE-560 018.
4. SRI C. VIVEKANANDA  
S/O LATE SRI GOPALA RAO  
AGED ABOUT 64 YEARS  
R.AT 1382/A, 6<sup>TH</sup> CROSS  
BANASHANKARI FIRST STAGE  
BANGALORE-560 050.
5. MR. MYSORE MANJUNATH SHETTY ANANDRAM  
S/O MYSORE MANJUNATH SHETTY  
AGED ABOUT 85 YEARS

R/AT 68/A, H SIDDAIAH ROAD  
BANGALORE-560 002.

6. MR. SANJAY JAYATSEN  
S/O LATE JAYATSEN  
AGED ABOUT 57 YEARS  
R/AT 117/A, NAGARAJA LAYOUT  
BULL TEMPLE ROAD  
BANGALORE-560 004.
7. MR. H.N. SHIVANANJIAH  
S/O NANJAPPA  
AGED ABOUT 65 YEARS  
R/AT NO.11, DEVI KRUPA  
11th A CROSS, 2nd STAGE,  
WOC ROAD  
BANGALORE-560 086.

...PETITIONERS

(BY SRI.SRINIVAS RAGHAVAN, ADV. FOR  
SRI MARIYAPPA S S, ADVOCATE)

**AND**

1. MR. R.P. TRIVIKRAM  
S/O LATE PRABHAKAR RAO  
AGED ABOUT 69 YEARS  
RESIDING AT NO.8, 6TH CROSS  
AMARJYOTHI NAGAR  
VIJAYNAGAR  
BANGALORE-560 040.
2. MRS. SUDHA TRIVIKRAM  
W/O. MR. R.P TRIVIKRAM  
RESIDING AT NO.8, 6TH CROSS  
AMARJYOTHI NAGAR  
VIJAYNAGAR  
BANGALORE-560 040.
3. SRI R.V. RAGHAVENDRA  
S/O SRI VEPRAKALLACHAR  
AGED ABOUT 65 YEARS  
R/AT 91/2. 'PARIMALA'

BETWEEN 11TH AND 13TH CROSS  
4TH MAIN, MALLESHWARAM  
BANGALORE-560 003.

4. W.P. KRISHNA S/O. SRI W.H. PUTTAIAH  
AGED ABOUT 54 YEARS  
A/T NO.391/1, 8TH CROSS  
3TH MAIN, RMV EXTENSION  
BANGALORE-560 080.
5. SMT. P URMILA  
D/O SRI LATE R.V. PRABHAKAR RAO  
AGED ABOUT 64 YEARS  
R/AT FLAT NO.202, B BLOCK  
SWAMY TOWERS, 5/5, B.P. WADIA ROAD  
BASAVANAGUDI  
BANGALORE-560 004.
6. R.T. BHAVANA W/O ADITYA P.K.  
AGED ABOUT 32 YEARS  
R/AT NO.8, 6TH CROSS  
AMARJYOTHI NAGAR  
VIJAYANAGAR  
BANGALORE-560 040.
7. R.T. ABHIJIT S/O R.P TRIVIKRAM  
AGED ABOUT 38 YEARS  
R/AT 1418, WEST LEXINGTON STREET  
UNIT 2-F, CHICAGO  
ILLINOIS, USA-60607  
REPRESENTED BY HIS POA HOLDER  
MR. R.P TRIVIKRAM
8. MR. H.K. NANJUNDASWAMY  
S/O H. KAPANIPATHI RAO  
AGED ABOUT 92 YEARS  
NO.297, 7TH BLOCK  
JAYANAGAR, KANAKAPURA ROAD  
BANGALORE-560 082.

...RESPONDENTS

(BY SRI. DEEPAK BASAVARAJ, ADV FOR  
SRI NITYA KALYANI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA TO SET ASIDE THE IMPUGNED ORDER DATED 08.04.2021 PASSED IN I.A.NO.104/2021 IN C.P. NO.13/2016 BY THE HON'BLE NCLT, BANGALORE BENCH VIDE ANNEXURE-A.

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

### **ORDER**

Learned counsel Sri Srinivas Raghavan for petitioners and Sri Deepak Basavaraj, learned counsel for Sri Nitya Kalyani for respondents have appeared through video conferencing.

2. Learned counsel submits that a joint memo has been filed for and on behalf of petitioners and respondents stating that the writ petition may be disposed of by setting aside the order dated 08.04.2021 at Annexure-A including appointment of executor/observer and direct the Tribunal that I.A.No.104/2021 be consider afresh and pass order thereon in accordance with law.

3. Counsel submits that joint memo may be placed on record and the same may be recorded and the

writ petition may be disposed of in terms of the joint memo.

4. Submission is noted. Joint memo is placed on record.

5. Writ petition is disposed of in terms of joint memo and accordingly order dated 08.04.2021 passed by the National Company Law Tribunal, Bengaluru Bench on I.A.No.104/2021 at Annexure-A is hereby set aside and the Tribunal is directed to consider application afresh and pass order in accordance with law.

**Sd/-  
JUDGE**

nms