



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 4204 OF 2026 (GM-CPC)

BETWEEN:

SRI BALASUBRAMANYA
AGED ABOUT 56 YEARS
SON OF LATE M. K. ANJANAPPA
RESIDENT OF NO.3406
15TH CROSS, R.P.ROAD
NANJANGUD TALUK
MYSURU 570 024.

...PETITIONER

(BY SRI. B SHARATH KUMAR., ADVOCATE)

AND:

M/S MYSORE MINERALS PRIVATE LTD.,
HAVING REGISTERED OFFICE AT
OLD KESARE, SY.NO.175, NO.85
MYSURU, REPRESENTED BY ITS
AUTHORISED PERSON
AGED ABOUT 38 YEARS
S/O LATE NANJUNDAPPA
R/AT 60, 1ST MAIN
NEAR JANATHA SAW MILL
MEDARA BLOCK, BAMBOO BAZAR
MYSURU 570 001.

...RESPONDENT

(BY SRI. ABHISHEK A., ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 25-06-2025 ANNEXURE-A PASSED IN COM.O.S.NO.51/2025, ON I.A.NO.IV I.E., AN APPLICATION FILED UNDER ORDER VII RULE 10 AND R/W SECTION 151 OF THE CODE OF CIVIL PROCEDURE FILED BY THE DEFENDANTS,

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



TO RETURN THE PLAINT, BY ALLOWING THE SAID APPLICATION I.A.NO.IV IN SUIT COM.O.S.NO.51/2025 ON THE FILE OF THE COMMERCIAL COURT AND II ADDL. DISTRICT AND SESSIONS JUDGE AT MYSURU, PRODUCED AT ANNEUXRE-A AND ETC.,

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

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

ORAL ORDER

1. In this writ petition, the petitioner-defendant has called in question the order dated 25.06.2025 passed by the II Additional District and Sessions Judge at Mysuru (hereinafter referred to as the 'Trial Court' for short) on I.A.No.IV filed under Order VII Rule 10 read with Section 151 of CPC in Com.O.S.No.51/2025 vide Annexure-A, whereby the said application filed for return of the plaint has been rejected.

2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court.



3. The respondent-plaintiff has filed a suit for injunction. Along with the plaint, the plaintiff has filed I.A.Nos.1 and 2 under Order XXXIX Rules 1 and 2 of CPC. On service of summons, the petitioner-defendant appeared through counsel and filed his written statement. Thereafter, the defendant filed I.A.No.IV under Order VII Rule 10 of CPC. Meanwhile, the Trial Court allowed the applications filed by the plaintiff on 08.07.2025. Being aggrieved by the same, the defendant filed COMAP Nos.489/2025 and 490/2025. The Division Bench of this Court, by order dated 19.01.2026, dismissed the said appeals. The Trial Court, by order dated 25.06.2025, rejected I.A.No.IV. Being aggrieved by the same, the petitioner is before this Court.

4. Learned counsel appearing for the petitioner-defendant contended that the suit is valued at a sum of Rs.1,000/- and therefore the same is less than the specified value as defined under Section 2(1)(i) of the Commercial Courts Act, 2015 (hereinafter referred to as



the 'Act' for short). Without considering this aspect of the matter, the application filed by the defendant has been rejected.

5. Learned counsel appearing for the respondent-plaintiff contended that the order passed by the Commercial Court on the applications filed under Order XXXIX Rules 1 and 2 of CPC has been upheld by the Division Bench of this Court in the Commercial Appeals by order dated 19.01.2026. A commercial appeal, i.e., COMAP No.417/2025, filed by the petitioner-defendant challenging the rejection of I.A.No.IV was withdrawn on 19.01.2026 without liberty. He further submitted that Rs.1,000/- mentioned in the plaint is only for the purpose of determination of court fee and not the specified value as defined under Sections 2(1)(i) and 12 of the Act. Hence, he sought dismissal of the writ petition.

6. Heard the learned counsel for the parties. Perused the writ petition papers.



7. The petitioner-defendant had filed I.A.No.IV under Order VII Rule 10 read with Section 151 of CPC for return of the plaint only on the ground that the suit has been valued at Rs.1,000/- for the purpose of determination of court fee. For maintaining a commercial dispute, as per Section 2(1)(i) of the Act, the suit must satisfy the requirement of specified value. The said provision is extracted below:

"2. (1)xxxxxxx

xxxxxxx

(i) "Specified Value", in relation to a commercial dispute, shall mean the value of the subject matter in respect of a suit as determined in accordance with section 12 which shall not be less than three lakh rupees or such higher value, as may be notified by the Central Government."

8. Section 12 of the Act specifies the manner of determination of the specified value. The amount mentioned for the purpose of court fee cannot be considered for the purpose of determining the specified value. The specified value has to be determined in



accordance with Section 12 of the Act. Therefore, the rejection of I.A.No.IV filed under Order VII Rule 10 read with Section 151 of CPC is justifiable.

9. However, since the petitioner-defendant has raised a jurisdictional issue, the Trial Court, while framing issues, shall frame an issue with regard to pecuniary jurisdiction in respect of the specified value. Further, before deciding the other issues, the Trial Court is directed to first decide the said issue relating to specified value in order to determine whether the suit is maintainable before the said Commercial Court or not.

10. With this observation, the writ petition is ***disposed of.***

11. All the contentions of the parties are left open.

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