



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 6669 OF 2026 (GM-CPC)

BETWEEN:

SRI. M. LOKESH
S/O MUNIYAPPA
AGE ABOUT 53 YEARS
R/AT GANGAVARA CHOWDAPPANAHALLI VILLAGE
CHANNARAYAPATNA HOBLI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT - 562129

...PETITIONER

(BY SRI. MADHUKAR M D., ADVOCATE)

AND:

MR. RAJSHEKAR
S/O LATE B.G. CHANDRASHEKAR
AGED ABOUT 42 YEARS
PROPRIETOR OF M/S PURVA CITY GROUP & PROPERTIES
OFFICE AT NO 255, 4TH FLOOR
VIJAYALAKSHMI BUGGI SADAN
GANGANAGAR BENGALURU-560032

...RESPONDENT

(BY SRI. NATARAJ BALLAL., ADVOCATE FOR
SSRI. ARIKESARI K.K., ADVOCATE FOR C/RESPONDENT)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER, OR
DIRECTION QUASHING THE ORDER DATED: 10.02.2026
PASSED ON IA NO. 1 IN COM.O.S. NO. 286/2025 (ANNEXURE-



A) BY THE LXXXIX ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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 10.02.2026 passed by the LXXXIX Addl. City Civil & Sessions Judge, Bengaluru, on I.A.No.1 filed by the defendant under Order VII Rule 10 of CPC and Section 16 of CPC read with Section 2(1)(c)(vii) and 6 of Commercial Courts Act, 2015 in Com.O.S.No.286/2025.

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

3. The plaintiff filed a suit in Com.O.S.No.286/2025 before the Trial Court to pass judgment and decree directing the defendant: (a) to pay the amount of



Rs.6,74,54,000/- with interest thereon at the rate of 24% from 11.02.2022 till realization, to the plaintiff; (b) to grant any such other reliefs as this Hon'ble Court deems fit to grant in favour of the plaintiff as against the defendant; (c) for court costs and expenditures. After service of suit summons, the defendant appeared and filed written statement. Along with the written statement, the defendant filed I.A.No.1 under Order VII Rule 10 of CPC seeking for return of plaint. The Trial Court, by impugned order dated 10.02.2026, has dismissed the application. Aggrieved by the impugned order dated 10.02.2026 passed by the Trial Court, the present writ petition is filed.

4. Learned counsel appearing for the petitioner-defendant submits that the present dispute is not a commercial dispute and it has to be tried as a regular suit.

5. Learned counsel appearing for the respondent-plaintiff submits that though Section 2(1)(c)(vi) of the Commercial Courts Act, 2015 may not be applicable, the



dispute would fall within the ambit of Sections 2(1)(c)(vii) and 2(1)(c)(xviii) of the said Act.

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

7. The Trial Court has rejected the application, namely I.A. No.1, only on the ground that the dispute in the suit is a commercial dispute under Section 2(1)(c)(vi) of the Act. The Trial Court has not considered whether the dispute would fall within the ambit of Sections 2(1)(c)(vii) or 2(1)(c)(xviii) of the Act. There is no finding recorded on that aspect. Therefore, the matter requires to be remitted back to the Trial Court for reconsideration of the application in accordance with law.

8. Accordingly, the following order is passed:

ORDER

a) The writ petition is allowed.



- b) The impugned order dated 10.02.2026 passed by the LXXXIX Addl. City Civil & Sessions Judge, Bengaluru, on I.A. No.1 in Com.O.S. No.286/2025 is set aside.
- c) The matter is remitted back to the Trial Court for reconsideration of the said application in accordance with law.
- d) All the contentions of the parties are left open.

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

DM
LIST NO.: 1 SL NO.: 13