



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 6498 OF 2026 (GM-CPC)

BETWEEN:

M/S. ROHM CLAMPING TECHNOLOGIES
PRIVATE LIMITED
HAVING ITS OFFICE AT NO. 14A
BELMAR INDUSTRIAL ESTATE
NAGASANDRA MAIN ROAD
BENGALURU-560073
A COMPANY INCORPORATED UNDER
COMPANIES ACT, 1956
REP. BY ITS DIRECTOR MR. KURIEN THOMAS
NO. 14A, BELMAR INDUSTRIAL ESTATE
NAGASANDRA MAIN ROAD
BENGALURU 560 073.

...PETITIONER

(BY SRI. VENKATESH S ARBATTI., ADVOCATE)

AND:

M/S. ROHM GMBH
HAVING ITS OFFICE AT 89567
SONTHEIM GERMANY
A COMPANY INCORPORATED
UNDER THE LAWS OF GERMANY
THROUGH ITS AUTHORIZED REPRESENTATIVE
MR. DHARAM VEER SINGH KRISHNAWAT
AND/OR MR. VAIBHAV SHARMA
ALSO AT
HAVING ITS OFFICE AT
LUNKAD SKY CRUISE
WING-B, SURVEY NO. 210/3
VIMAN NAGAR PUNE-411 014 MAHARASHTRA

...RESPONDENT

(BY SRI.INDRAN M.B. ADVOCATE)

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



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 OR ORDER IN THE NATURE OF A WRIT, THEREBY QUASHING THE ORDER DATED 04.02.2026 PASSED BY THE LEARNED SINGLE JUDGE OF THE LXXXVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, COMMERCIAL COURT, BENGALURU (CCH-88), IN ALLOWING THE APPLICATION/IA. NO.XI FOR APPOINTMENT OF THE COURT COMMISSIONER TO RECORD THE EVIDENCE OF PLAINTIFF WITNESS AS PER ANNEXURE A IN COM. O.S. NO. 670 OF 2023 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 04.02.2026 passed by the LXXXVII Additional City Civil and Sessions Judge, Commercial Court, Bengaluru (CCH-88) (hereinafter referred to as 'Trial Court' for short), whereby the memo filed along with a copy of the application, i.e., I.A.No.XI filed by the respondent-plaintiff under Order XXVI Rule 2 read with Section 151 of the CPC, for appointment of an advocate as Court Commissioner to record the evidence of plaintiff witnesses in Com.O.S.No.670/2023, has been allowed.



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

3. The plaintiff has filed a suit for permanent and mandatory injunction in respect of infringement of trademark along with recovery of money. After entering appearance, the defendant has filed a written statement along with a counter-claim. The counsel for the plaintiff filed a memo dated 04.02.2026 vide Annexure-D seeking time to file an application for appointment of an advocate as Commissioner in the above suit. On the said memo itself, the Trial Court by impugned order dated 04.02.2026 appointed a Court Commissioner on the ground that the defendant had no objection. Being aggrieved by the same, the petitioner-defendant is before this Court.

4. The defendant has filed this writ petition and taken specific contentions that he had no objection for granting time for adjournment; however, he had an objection to allowing the application without filing a proper I.A. enclosing certified copies of the documents. It is wrongly



recorded that the advocate had no objection to allow the application.

5. Be that as it may, the memo was filed only seeking time to file an application for appointment of a Commissioner after securing all necessary documents.

6. Learned counsel for the plaintiff–respondent submitted that they have now secured all original documents and therefore may be permitted to file a fresh application along with the necessary documents for appointment of an advocate as Commissioner.

7. In view of the above, the following order is passed:

ORDER

- a) The writ petition is ***disposed of.***
- b) The impugned order dated 04.02.2026 passed by the LXXXVII Additional City Civil and Sessions Judge, Commercial Court, Bengaluru (CCH-88) vide Annexure-A, is set aside.



- c) The respondent–plaintiff is permitted to file an application, along with necessary documents, in the prescribed manner, for appointment of an advocate as Commissioner, in accordance with law.
- d) If such an application is filed, the Trial Court shall consider the same and pass appropriate orders, in accordance with law, as expeditiously as possible.

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