



CNR: KAHC010328132026

NC: 2026:KHC:52329
WP No. 15718 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 15718 OF 2026 (GM-CPC)

BETWEEN:

SRI. VIKYATH
S/O LATE DILIP KUMAR
AGED ABOUT 38 YEARS,
R/AT 6-6-125, ANNAM GARDENS,
KAWADIGUDA, SECUNDRABAD,
TELANGANA - 500 380.

...PETITIONER

(BY SRI. B.K. MANOHAR, ADVOCATE)

AND:

1. M/S. A.M. RAJAGOPALAN SETTY SONS
AND COMMISSION AGENTS,
A PARTNERSHIP FIRM,
SHOP NO. 4, 2ND CROSS,
APMC YARD, BATAWADI,
TUMKUR - 572 103,
REP. BY ITS PARTNER,
A.R. SREENATH.
2. SRI. SETTIGARI SRINIVASULU
AGED ABOUT 55 YEARS,
M/S FORTUNE BIO-TECH LIMITED,
REG. OFFICE AT R/AT 6-6-125,
ANNAM GARDENS, KAWADIGUDA,
SECUNDRABAD, TELANGANA - 500 380.

...RESPONDENTS

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signed by
VINUTHA B
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Location:
High Court
of
Karnataka





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THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO A. CALL FOR THE ENTIRE RECORDS IN O.S. NO. 250/2019 ON THE FILE OF PRINCIPAL SENIOR CIVIL JUDGE AND CJM, TUMAKURU. B. CALL FOR THE ENTIRE RECORDS IN COM. O.S. NO. 71/2025 ON THE FILE OF PRINCIPAL DISTRICT AND SESSIONS JUDGE, TUMAKURU AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

This petition is filed impugning the order dated 20.09.2025 passed in O.S. No.250/2019 on the file of the learned Principal Senior Civil Judge and CJM, Tumakuru, whereby the Trial Court directed transfer of the pending suit to the Commercial Court for being tried by the said Court.

2. Learned counsel appearing for the petitioner submits that the Trial Court committed an error in transferring the suit for being tried by the Commercial Court. It is contended that, instead of transferring the suit, the Trial Court ought to have returned the plaint to the petitioner for presentation before the jurisdictionally competent Commercial Court.



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3. Learned counsel further submits that the other preconditions for maintaining the suit as a commercial suit have not been satisfied and, therefore, the order directing transfer of the suit is unsustainable.

4. Heard the learned counsel for the petitioner and perused the material on record.

5. The present suit was instituted before the jurisdictional Civil Court much prior to the establishment of the Commercial Court. Upon constitution of the Commercial Court, and when an objection was raised regarding the maintainability of the suit before the Civil Court, the Trial Court proceeded to transfer the matter to the Commercial Court for being tried by the said Court.

6. The direction issued by the Trial Court is in conformity with Section 15 of the Commercial Courts Act, 2015. Section 15(2) of the Act specifically provides that suits and applications relating to a commercial dispute of a specified value, pending before any Civil Court in any district, shall be



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transferred to the Commercial Court constituted under the Act upon the constitution of such Commercial Court.

7. In the facts and circumstances of the present case, the Trial Court was justified in transferring the pending suit to the Commercial Court. Therefore, the contention that the plaint ought to have been returned for presentation before the jurisdictionally competent Commercial Court cannot be accepted at this stage.

8. All other contentions raised by the petitioner, including those relating to the other requirements for maintaining the suit as a commercial dispute, are left open for consideration by the appropriate Court in accordance with law.

9. With the above observations, the writ petition stands ***dismissed.***

**Sd/-
(K. V. ARAVIND)
JUDGE**

VN
List No.: 1 Sl No.: 3