



CNR: KAHC010460502026

NC: 2026:KHC:47669-DB
COMAP No. 339 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

COMMERCIAL APPEAL NO. 339 OF 2026

BETWEEN:

1. MR. THILOK (WRONGLY MENTIONED)
MR. THILAK C RAM
PROPRIETOR
AGED 43 YEARS
M/S SANSAM CONTROLS AND AUTOMATION
OLD NO.1, NEW NO. 896/1/3
2ND FLOOR, 1ST A MAIN ROAD
MAHALAKSHMI LAYOUT
BENGALURU – 560 086

...APPELLANT

(BY SRI NISCHAL DEV B.R., ADVOCATE)

AND:

1. MR. K. SRIVASTA, S/O KRISHNA IYENGAR
MANAGING PARTNER,
AGED 65 YEARS
M/S. TECHMECH ENGINEERS
NO. 30, 3RD MAIN
KSSIDC INDUSTRIAL ESTATE
6TH BLOCK, RAJAJINAGAR
BANGALORE – 560 010

...RESPONDENT

THIS COMMERCIAL APPEAL IS UNDER SECTION 13 (1A) OF THE COMMERCIAL COURTS ACT, 2015 PRAYING TO ALLOW THIS APPEAL AND SET ASIDE THE JUDGMENT AND DECREE DATED 05.01.2026 PASSED IN COM.O.S.NO.376/2024 BY THE LXXXIX



CNR: KAHC010460502026

ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU & ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning the judgment and decree dated 05.01.2026 passed by the learned LXXXIX Additional City Civil and Sessions Judge, Bengaluru [**Commercial Court**] in Com.O.S.No.376/2024. The present appeal has been filed after a delay of 105 days. The respondent (plaintiff) had filed the said suit seeking recovery of an amount of ₹11,34,531/- (Rupees Eleven Lakhs Thirty Four Thousand Five Hundred and Thirty One Only) with interest at the rate of 15% per annum.

2. The respondent's claim is in respect of payments made for the electrical goods supplied to the defendant as well as ₹5,000/- as charges for legal notice and ₹5,000/- paid to the District Legal Services Authority. The respondent (plaintiff) claimed that he had supplied goods on a credit basis for a period of 30 days under two



CNR: KAHC010460502026

invoices: invoice dated 06.02.2021 for a sum of ₹3,54,032/- and invoice dated 10.02.2021 for a sum of ₹8,77,999/-. The respondent has produced the said invoices. The respondent claims that the appellant had issued two cheques dated 22.11.2021 for a sum of ₹5,00,000/-, and 30.11.2021 for a sum of ₹6,00,000/- but had requested that the cheques be presented on further instructions. The respondent claims that, since the appellant failed to pay the amount, it issued a legal notice dated 26.07.2023, which remained unclaimed.

3. In the aforesaid circumstances, the respondent initiated a pre-institutional mediation under Section 12A of the Commercial Courts Act, 2015 before the District Legal Services Authority [DLSA]. Although notices were issued by DLSA, the appellant did not participate in the mediation. Consequently, DLSA furnished the Non-Starter Report. The appellant claimed that the cheques issued as a collateral security for a different transaction and the same were misused.

4. The learned Commercial Court examined the e-way bills (Ex.P2 and Ex.P3) and concluded that the supply of goods was



CNR: KAHC010460502026

proved. The plaintiff (PW1) had also produced copy of the email communications (Ex.P9) for supply of goods.

5. The learned Commercial Court found that there was an attachment to the email of the purchase order dated 22.08.2019 for 548 quantity of 1x120W powder coated pressure dye cast Aluminium SMD LED Street light claimed to have been supplied.

6. The present appeal has been filed after a delay of 105 days. The appellant has also filed an application seeking condonation of delay in filing the present appeal. The affidavit affirming the application sets out two grounds for the delay. First, the appellant claims that he was undergoing traditional/native medical treatment during the month of March/April, 2026, which required continuous care, rest and regular supervision. Therefore, he was unable to attend to the legal aspects. Second, he states that he faced financial constraints, as a substantial portion had been spent on medical treatment. In addition, he states that in May 2026, the appellant incurred expenses for school fees of his child. The aforesaid statements are not supported by any documents or any material evidence. The same are bald statements and we are



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COMAP No. 339 of 2026**

CNR: KAHC010460502026

unable to accept that the said explanations present sufficient cause that prevented the appellant from filing the appeal within the stipulated period. The time period for filing the appeal is 60 days, that is approximately 2 months, and in the present case, the appeal has been filed after more than five and a half months. The legislative intent in specifying strict timelines in matters relating to commercial disputes would be frustrated if bald explanations such as those presented by the appellant are considered sufficient cause for the delay in filing the appeal.

7. In view of the above, the application I.A.No.1/2026 is rejected. Consequently, the present appeal is rejected as well.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**