



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 6262 OF 2025 (CPC)

BETWEEN:

M/S RAVIRAJU STEEL SOLUTION LLP
A LIMITED LIABILITY PARTNERSHIP FIRM
HAVING ITS REGISTERED OFFICE
AT NO. 37, 4TH FLOOR
SOUTH END ROAD, (N.S. RAO ROAD)
OPPOSITE KAMALA NEHRU SCHOOL
TATA SILK FARM, BASAVANAGUDI
BENGALURU -560 004.
REP. BY ITS AUTHORIZED SIGNATORY
SRI. PRAKASH REDDY

... APPELLANT

(BY SRI.SUBRAMANYA S UPASANA.,ADVOCATE)

AND:

MR JOSHUA SINTO
S/O. SRI. THOMAS,
PROPRIETOR,
M/S.MIZPAH FITNESS,
NO. 2, 3RD FLOOR
NO. 8/2-5, 20TH MAIN
BTM LAYOUT, 1ST STAGE
BENGALURU -560 029

ALSO AT
M/S MIZPAH FITNESS
N.D.FUSION MALL
NO.73-74-113 AND 114
16TH MAIN , BTM LAYOUT
2ND STAGE
BENGALURU - 560 076

...RESPONDENT

 Digitally signed
by
GAVRIBIDANUR
SUBRAMANYA
GUPTA
SREENATH
Location: HIGH
COURT OF
KARNATAKA



(BY SMT. RAMA R. IYER.,ADVOCATE)

THIS MFA IS FILED U/S.43 RULE 1(r) OF THE CPC, AGAINST THE ORDER DT. 11.06.2025 PASSED ON IA NO. VI IN O.S.NO.1085/2022 ON THE FILE OF THE VIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-15), ALLOWING THE IA.NO. VI FILED UNDER ORDER 7 RULE 10 R/W SECTION 151 OF CPC.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

Heard learned counsel for appellant/plaintiff as well as learned counsel for respondent/defendant.

2. Parties are referred to as per their ranking before the trial Court.

3. The present appeal is filed by the appellant/plaintiff challenging the order dated 11.06.2025 passed by VIII Addl. City Civil and Sessions Judge, Bengaluru on I.A. No.VI in O.S. No.1085/2022, whereby the said application filed by respondent/defendant came to be allowed and the plaint is ordered to be returned to the plaintiff to present it before the jurisdictional Commercial



Court. It is further ordered that the counter-claim filed by the defendant also to be returned to the defendant to present it before the jurisdictional Commercial Court for trial alongwith the plaint filed by the plaintiff.

4. During the course of arguments, learned counsel for appellant/plaintiff submits that appellant has no quarrel or issue with regard to prosecuting the dispute before the Commercial Court rather than the Civil Court before which the plaint was presented. He contends that the plaintiff is at liberty to file the suit either before the Civil Court or the Commercial Court as per the judgment rendered by the Division Bench of this Court in the case of ***T. Kumar Setty -vs- Harapanahalli Gopal Krishna*** in Commercial Appeal No.100027 of 2024 decided on 22nd March, 2026.

4.1 It is the contention of learned counsel for appellant/plaintiff that respondent/defendant is the tenant and he has not handed over possession of the suit schedule premises to the appellant/plaintiff though plea is taken by the counsel for respondent that the suit schedule



premises was vacated and possession was handed over on 30.10.2021. It is also contended by learned counsel for appellant that the plea of the respondent cannot be accepted for the reason that the respondent/tenant has instituted original suit in O.S. No.2908/2020, wherein an interim order was obtained restraining the defendant therein, the erstwhile landlord (M/s N.D. Developers Pvt. Ltd.,) from evicting the present respondent/tenant and the said interim order is still in operation. Therefore, he contends that in the guise of interim order which is operating against the erstwhile landlord i.e, vendor of the appellant/plaintiff, the respondent/ defendant/tenant has not handed over possession, which is nothing but abuse of process of law.

4.2 Learned counsel for appellant contends that in the original suit filed by the respondent/tenant against the erstwhile landlord in O.S. No.2908/2020, the plaintiff had impleaded himself as defendant No.2 and pursuant to his impleadment, the interim order continued and therefore



respondent/tenant has not handed over possession of the suit schedule premises either to the appellant/plaintiff or to the vendor, the erstwhile landlord.

4.3 Learned counsel for appellant further contends that apparently there is no dispute that the appellant has succeeded to the erstwhile landlord, who is defendant No.1 in O.S. No.2908/2020 in respect of the suit schedule property. He further contends that in view of the impugned order, the plaint is to be presented before the Commercial Court and the appellant is ready to go before the Commercial Court to agitate his claim, but the possession of the suit schedule premises requires to be handed over to the appellant/plaintiff.

5. Per contra, learned counsel for respondent/tenant vehemently contends that this appeal is restricted only to the impugned order as to whether the return of the plaint ordered by the trial Court to be presented before the Commercial Court is correct or not and therefore, this Court need not go into the question of handing over of



possession of the premises to the appellant or the erstwhile landlord/the vendor of the plaintiff.

5.1 Learned counsel for respondent vehemently contends that the possession of the suit schedule property premises was handed over on 30.10.2021 to the erstwhile landlord i.e., vendor of the appellant/plaintiff and since then, the respondent/tenant is not in possession. It is also contended by learned counsel for respondent that all these aspects are subject matter of trial, which has to be established before the trial Court and this Court cannot go into the aspect of possession etc., in the present appeal.

6. Be that as it may, since the learned counsel for appellant has agreed to the impugned order and does not have any hesitation to go before the Commercial Court to pursue his suit and the remedy that is available to him, it would be prudent to direct the appellant to pursue his remedy in accordance with law as per the impugned order and the order passed by the Division Bench of this Court in



the Commercial Appeal stated *supra*, if he is willing to do so. In view of the above, the plaint and the counter-claim shall be presented before the jurisdictional Commercial Court for further adjudication of the matter. It would be open for both parties to make their claim before the jurisdictional Commercial Court on the merits of the matter.

7. It would also be open for the respective parties i.e., the appellant/plaintiff and the respondent/defendant to put forth their case with regard to the aspect of handing over possession and as to when actual possession was given to the present landlord or the erstwhile landlord as claimed by the respondent/tenant, which is a matter of trial and the same shall be decided by the Commercial Court upon providing sufficient opportunity to both parties.

8. It is seen that since there is an order operating in O.S. No.2908/2020, which was filed by the respondent/tenant against the appellant/plaintiff i.e., the



landlord, it would be in the interest of justice to permit the appellant/plaintiff to take possession of the suit schedule premises by virtue of this order.

9. Accordingly I pass the following:

ORDER

- i) The appeal is **disposed off**.
- ii) The plaint and the counter-claim shall be presented by the plaintiff and the defendant respectively before the jurisdictional Commercial Court for further adjudication of the matter. It would be open for both parties to make their claim before the jurisdictional Commercial Court on the merits of the matter.
- iii) The appellant/plaintiff is permitted to take possession of the suit schedule premises. He is also permitted to agitate all his claim for



arrears of rent, mesne profits and damages,
if any.

- iv) It is needless to mention all contentions of both the parties are kept open to be agitated before the Commercial Court including with relation to any damage physically or otherwise caused to the property, the arrears of rent, damages, mesne profits and also the counter-claim made by the respondent/defendant/tenant.
- v) It is made clear that this Court has not expressed any opinion on merits of the matter.
- vi) If the pleadings are complete and issues are framed, the Commercial Court is at liberty to frame additional issues if required. Parties are also at liberty to provide additional draft issues.



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vii) The Commercial Court shall proceed further
from the stage where it was stopped.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

GSS
List No.: 1 Sl No.: 37