



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

COMMERCIAL APPEAL NO.607 OF 2025

BETWEEN:

1. MR. ABDUL AZEEZ
S/O ABDUL MUNIM SAYAD,
AGED ABOUT 33 YEARS,
RESIDING AT FLAT NO.6,
IBROSE APARTMENT,
JAIL ROAD, KODIALBAIL,
MANGALORE - 575 003.

...APPELLANT

(BY SRI. ABHILASH RAJU, ADVOCATE)

AND:

1. MR. DAKSHA TOLIA
W/O SHARAD CHANDULAL TOLIA,
AGED ABOUT 66 YEARS,
RESIDING AT NO.12, UDANI LAYOUT,
CAMBRIDGE ROAD,
ULSOOR, BENGALURU - 560 008.
SINCE DECEASED REP BY LR,
MR. BHAVIN TOLIA,
AGED ABOUT 35 YEARS,
S/O SHARAD CHANDULAL TOLIA,
RESIDING AT NO. 12, UDANI LAYOUT,
CAMBRIDGE ROAD,
ULSOOR, BENGALURU - 560 008

...RESPONDENT

Digitally
signed by
AMBIKA H B
Location:
High Court
of Karnataka



THIS COMAP IS FILED UNDER SECTION 13(1-A) OF COMMERCIAL COURTS ACT, PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT AND DECREE DATED 22.11.2024 PASSED IN COMMERCIAL ORIGINAL SUIT NO.527/2023 BEFORE THE HON'BLE COURT OF LXXXVIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, COMMERCIAL COURT, BENGALURU (CCH-89).

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 MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

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

1. The appellant has filed the present appeal impugning a judgment and decree dated 22.11.2024 passed by the learned LXXXVIII Additional City Civil and Sessions Judge (Exclusive Commercial Court), Bengaluru City [**Commercial Court**] in Com.O.S No.527/2023. The respondent had filed the said suit for recovery of a sum of ₹5,00,000/- along with interest.

2. The respondent (plaintiff) is the absolute owner in possession of the property which had been leased to the appellant for running a restaurant under a registered lease deed dated 04.10.2018. The respondent claimed that the appellant had failed



to pay the arrears of rent. The respondent had issued a notice dated 09.10.2021 terminating the tenancy. The appellant had responded to the said notice and handed over the physical possession of the demised premises. The respondent claimed that notwithstanding that the appellant had acknowledged the amount due, he had failed to pay the said amount.

3. The appellant had appeared before the learned Commercial Court through the counsel and filed the written statement. He did not deny that he had entered into the registered lease deed dated 04.10.2018 in respect of the demised premises for a term of 36 months.

4. The learned Commercial Court found that the appellant had acknowledged the amount as claimed and, accordingly, decreed the suit.

5. The present appeal has been filed after an inordinate delay of 291 days. The appellant has also filed an application seeking condonation of the delay and the reasons set out for explaining the delay in filing the said appeal read as under:

"I submit that the Appellant/Applicant submits that he is a resident of Mangalore and while the case



was decided, the Appellant/Applicant was on a business trip abroad and he was unaware of the Judgment and Decree until he received the summons in Commercial Execution Petition No.321 of 2025 before the Hon'ble Court of LXXXVIII Addl. City Civil Judge, Commercial Court, Bengaluru (CCH-89). The Appellant/Applicant submits that his attention was constantly required to administer his business owing to which the Appellant/Applicant was not able to instruct his counsels. Therefore, the Appellant/Applicant could not file this Appeal with the stipulated time."

6. As it is apparent from the above, the appellant has not provided specific details as to the grounds on which the delay is sought to be explained. There is no information as to when the appellant had proceeded on a trip abroad. Further, the reason that the appellant was required to attend to his business, can hardly be considered a sufficient cause which prevented the appellant from filing the appeal in time.

7. In view of the above, we are unable to accept that the delay in filing the present appeal can be condoned.

8. The application seeking condonation of delay is, accordingly, dismissed. Consequently, the appeal is dismissed, as well.



9. The pending interlocutory application also stands disposed of.

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

**Sd/-
(C.M. POONACHA)
JUDGE**

AHB
List No.: 2 SI No.: 12