



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

COMMERCIAL APPEAL NO. 652 OF 2025

BETWEEN:

1. NISHA ENTERPRISES
NO.196/1, GROUND FLOOR
1ST MAIN ROAD, 8TH CROSS
CHAMARAJPET
BENGALURU - 560 018
REPRESENTED BY ITS PROPRIETOR
SRI TATI RAGHAVA REDDY
2. TATI RAGHAVA REDDY
PROPRIETOR OF NISHA ENTERPRISES
1ST MAIN ROAD, 8TH CROSS
CHAMARAJPET
BENGALURU - 560 018

...APPELLANTS

(BY SRI MURALIDHAR H.M., ADVOCATE)

AND:

1. M/S. PRINCE SYSTEM PVT. LTD.
OFFICE AT NO.20/1 AND 19
1ST FLOOR, MRR ROAD
NEAR MASJID, SJP ROAD CROSS
BENGALURU - 560 002



ALSO AT 'OMSHRI MANSION'
NO.5/1, 5TH CROSS
BEHIND CORPORATION BANK
MYSORE ROAD
BENGALURU - 560 026
REP.BY ITS AUTHORISED SIGNATORY
SRI KRISHNAMURTHY S.N.

...RESPONDENT

THIS COMMERCIAL APPEAL IS FILED UNDER SECTION 13(1A) OF THE COMMERCIAL COURTS ACT, 2015 PRAYING TO ALLOW THE APPEAL, SET ASIDE JUDGMENT AND DECREE DATED 13.06.2023 PASSED IN COM.O.S.NO.488/2023 ON THE FILE OF THE LXXXVI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, AT BENGALURU (CCH-87), COMMERCIAL COURT, AND DISMISS THE SUIT AND 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 MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

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

1. The appellant has filed the present appeal impugning the judgment and decree dated 13.06.2023 passed by the learned LXXXVI Additional City Civil and Sessions Judge, Bengaluru (CCH-87) [**Commercial Court**] in Com.O.S.No.488/2023.



2. The respondent [**plaintiff**] had instituted the said suit claiming an amount of ₹9,81,922/- along with interest @ 18% per annum.

3. It is the plaintiff's claim that it had supplied PVC pipes, fittings and other allied plumbing material items to the appellant [**defendant**] on credit basis. However, the defendant failed to clear the amount in full. The plaintiff claimed that it had maintained a ledger account, which reflected that an amount of ₹9,15,155/- was due and payable by the appellant. The plaintiff has also issued a demand notice dated 26.07.2021, pursuant to which, it is stated that a partial payment was made. However, the amount of ₹9,15,155/- continued to remain outstanding as on 28.02.2023.

4. The impugned judgment indicates that the summons in the suit was duly served on the appellant by RPAD. However, the appellant failed to appear before the learned Commercial Court and was therefore proceeded ex parte. The suit was decreed in terms of the impugned order.



5. The appellant filed an application to set aside the exparte order; however, it was rejected.

6. The appellant has filed the present appeal after an inordinate delay of 856 days. The application for condonation of delay is accompanied by an affidavit explaining that the delay arose because he had not received the summons in the suit and therefore was unaware of the suit instituted by the plaintiff. However, he acknowledges that he subsequently became aware of the impugned judgment and applied for a certified copy through his advocate, which was received on 21.11.2023.

7. The appellant had also filed an application for recall of the impugned judgment on 18.12.2023 (Misc. Petition No.93/2023), which he claims was dismissed for technical reasons on 17.02.2024. The present appeal was filed on 15.12.2025, almost one year and ten months after the appellant's Miscellaneous Petition was dismissed by the trial Court.

8. The only explanation for this inordinate delay, as provided by the appellant, is that he could not meet his advocate and follow up on the matter due to acute ill-health. He states that he could meet



his advocate only on 19.11.2025, and thereafter he obtained certified copies of the entire documents, which were supplied to him on 21.11.2025. He states that he thereafter took time to organise the funds to file the present appeal.

9. We are unable to accept the explanation because it is not supported by any material evidence. The application does not indicate the nature of ill health suffered by the appellant and how his incapacity, if any, prevented him from contacting his advocate. There is no document on record indicating the same. We are unable to accept that the explanation as provided, presents sufficient cause that prevented the appellant from filing the present appeal.

10. The dispute involved is a commercial dispute, and by virtue of the Commercial Courts Act, 2015 and the amendments to the CPC introduced by virtue of the said Act, firm timelines have been specified. The principal object of the Act is to provide for an expeditious disposal of matters involving commercial disputes. Given the purpose and object of the Act, the legislative intent would be debilitated if explanations such as the one provided by the



appellant are accepted as sufficient to condone the inordinate delay in matters involving commercial disputes.

11. It is also relevant to note the following observations made by the Hon'ble Supreme Court in the case of **Government of Maharashtra (Water Resources Department) Represented by Executive Engineer v. M/s. Borse Brothers Engineers and Contractors Private Limited: (2021) 6 SCC 460:**

"58. Given the object sought to be achieved under both the Arbitration Act and the Commercial Courts Act, that is, the speedy resolution of disputes, the expression "sufficient cause" is not elastic enough to cover long delays beyond the period provided by the appeal provision itself. Besides, the expression "sufficient cause" is not itself a loose panacea for the ill of pressing negligent and stale claims....

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63. Given the aforesaid and the object of speedy disposal sought to be achieved both under the Arbitration Act and the Commercial Courts Act, for appeals filed under Section 37 of the Arbitration Act that are governed by Articles 116 and 117 of the Limitation Act or Section 13(1-A) of the Commercial Courts Act, a delay beyond 90 days, 30 days or 60 days, respectively, is to be condoned by way of exception and not by way of rule. In a fit case in which a party has otherwise acted bona fide and not in a negligent manner, a short delay beyond such period can, in the discretion of the court, be condoned, always bearing in mind that the other side of the picture is that the opposite party may have acquired both in equity



and justice, what may now be lost by the first party's inaction, negligence or laches."

12. In view of the above, we find no ground to condone the delay. The application (IA No. 1/2025) for condonation of delay is accordingly rejected. Consequently, the appeal and the pending applications are also rejected.

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

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

KMV
List No.: 2 SI No.: 8