

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION NO: 297 OF 2025

Petition under Article 227 of the constitution of India aggrieved by the Order dated 22/11/2024 Passed in I.A No. 948 of 2023 in O.S No. 575 of 2016 on the file of the Court of the VI Additional District and Session Judge- Cum-Family Court Kaithlapur Ranga Reddy District at Kukatpally.

Between:

1. M/s Sri Srinivasa Construction, rep by its Managing Partner D.Papa Rao S/o Late D. Anand Rao Aged about 54 years, Occ- Business R/o H.No. 16-2-751/A/44/A, Saidabad, Hyderabad.
2. D. Papa Rao, S/o Late Sri. D. Ananda Rao, Aged about 54 years, Occ-Business R/o H.No. 16-2-751/A./44/A, Saidabad, Hyderabad.

...Petitioners/Petitioners/Defendant Nos.1 & 2

AND

1. D. Muralidhar Rao, S/o Sri. D.Narayana Rao, Hindu, aged about 52 years, Occ- Engineer R/o B-19, F3, Vidya Nagar, Hyderabad presently Residing at 49119 Rose Terrace, Fremont, CA94539, USA rep.by his GPA Holder Smt. D. Renuka Devi W/o D. Rama Rao Aged about 65 years, Occ- Advocate R/o 1-7-190, Revenue Colony, Hanumakonda, Warangal 506001.

...Respondent No.1/Respondent No.1/Plaintiff

2. M/s Suyosha Health Care Pvt Ltd, Office at Flat No.2-A, D No. 8-3-1059/2-A, 2nd Floor, Doyan Habitat, Near Post Office, Srinagar Colony, Hyderabad rep by its Director Dr. Manjula Anagani

...Respondent No.2/Respondents No.2/ Defendant No.3

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in Suit OS No. 575 of 2016 on the file of the VI Additional District and Sessions Judge -cum- Family Court Kaithlapur Kukatpally till the disposal of the above Civil Revision Petition in the interest of justice.

Counsel for the Petitioners :SRI K PRABHAKAR

Counsel for the Respondents: SRI D RAGHAVENDAR RAO

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE P.SAM KOSHY ✓

CIVIL REVISION PETITION No.297 of 2025 ✓

ORDER:

The present Civil Revision Petition has been filed under Article 227 of the Constitution of India assailing the order dated 22.11.2024, in I.A.No.948 of 2023 in O.S.No.575 of 2016, passed by the VI Additional District and Sessions Judge-cum-Family Court, Khaithlapur, Ranga Reddy District.

2. Heard Mr. K. Prabhakar, learned counsel for the petitioners, and Mr. D. Raghavendar Rao, learned counsel for the respondents.

3. *Vide* the impugned order, the Trial Court has rejected a petition filed by the petitioners under Order VII Rule 10 (a & b) read with Section 151 of Civil Procedure Code, 1908 (for short, 'CPC') seeking for return of the plaint and filing the same before the Commercial Court established by the Government.

4. The Original Suit O.S.No.575 of 2016 was filed by respondent No.1 herein seeking a decree of declaration, along with injunction and recovery of arrears of rent. The said Suit was filed as early as in the year 2016. The Suit schedule property is one which is located at

Plot No.7 in Survey No.64 admeasuring 1136.02 square yards or 950 square meters in Sector II, HUDA Techno Enclave at Madhapur Village, Ranga Reddy District consisting of Cellar + Ground + five upper floors admeasuring 34,000 square feet. The respondents herein are the absolute owners and possessors of the entire aforesaid Suit schedule property.

5. A Development Agreement cum General Power of Attorney was entered into between the petitioners and respondents on 17.08.2017. It was agreed that the property would be developed and the income generated would be shared at the rate of 52.5% to the owners i.e. respondents and 47.5% with the developer i.e. the petitioners. A modified development agreement was yet again entered into between the parties on 28.06.2019. It was agreed that the constructed portion of the building shall be used for commercial purpose. After the development of the commercial complex, the defendant No.3 (respondent No.2 before the Trial Court) after negotiating with the respondents entered into the Suit schedule property with an intention to carry forward the health care company, which they operate in the name of M/s. Suyosha Health Care Pvt. Ltd.

6. After defendant No.3 had occupied the said constructed portion, as there was a default on his part in paying the rent, in spite of efforts being made between the respondents and the petitioners on the aspect of default in payment of rent, and as things did not work out, it was then that the petitioners filed the present Suit in the year 2016. Pending consideration before the Trial Court, the petitioners after a considerable long period of time i.e. in the year 2023 filed I.A.No.948 of 2023 as a preliminary objection under Order VII Rule 10 (a & b) read with Section 151 of CPC for returning the plaint and to present it before the appropriate Commercial Court having jurisdiction.

7. The contention of the learned counsel for the petitioners was that in terms of the amended provisions of the Commercial Court Act from 2018 onwards the monetary limit i.e. the 'Specified Value' in respect of referring the matter to the Commercial Court has been reduced to Rs.3,00,000/- which earlier was Rs.1,00,00,000/-, and in the process, the present Suit is also one which should be seized by the Commercial Court. Therefore, the instant Suit before the Trial Court would not be sustainable. It was further contended that the dispute in the instant case also squarely falls under the purview of

definition of 'commercial dispute' in terms of Section 2(1)(c)(vii) of the Commercial Courts Act, 2015.

8. The learned counsel for the petitioners in support of his contentions relied upon the decisions in **Ambalal Sarabhai Enterprises Limited vs. K.S. Infrastructure LLP and Another**¹, **Life Shine Medical Services Pvt. Ltd. vs. Alety Jeevan Reddy and Ors**², and **Namita Gupta vs. Suraj Holdings Limited**³ to substantiate that the matter is one which needs to be seized by the Commercial Courts established in the District and not a regular Suit.

9. *Per contra*, the learned counsel or the respondents vehemently opposed the Revision Petition on the ground that the petition under Order VII Rule 10 (a & b) read with Section 151 of CPC has been filed by the petitioners strategically at this belated stage with an intention of killing time.

10. Learned counsel for the respondents submits that it is a case where the Suit was filed in the year 2016 and more than nine years have lapsed, the proceedings have not progressed substantially, and

¹(2020) 15 Supreme Court Cases 585

² 2023 LawSuit(TS) 492

³ 2024 LawSuit(Del) 56

in the process the plaintiffs have been put to huge loss and have also been forced to undergo much strain and anxiety.

11. According to the learned counsel for the respondents, the petitioners herein as also the defendant No.3 in the Original Suit are hand in glove and have acted in a manner prejudicially without any justifiable reasons. Accordingly, the petitioners and defendant No.3 have been conniving together by moving some I.As. or the other and have not permitted the Suit to progress.

12. Learned counsel for the respondents relied upon a recent decision of this High Court in the case of **M/s. Satyam Process Pvt. Ltd. vs. Purushottam Modani**⁴ wherein according to the respondents under similar circumstances this High Court has reached to the conclusion that since the State Government in consultation with the High Court having not notified the Specified Value after the amendment made in the Central Act w.e.f. 03.05.2018, for all practical purposes the jurisdiction of the Commercial Court until further amendment is brought would be Rs.1,00,00,000/- only and it is this proposition of law that the Trial

⁴ Order dated 22.01.2024 in C.R.P.No.44 of 2023

Court has also taken note while rejecting the petition filed by the petitioners herein.

13. According to the learned counsel for the respondents, the Trial Court cannot be found fault with, in the said circumstances for having taken such a stand and the Revision Petition therefore deserves to be rejected. However, the learned counsel made a request to the Bench that whatever be the outcome and whichever the Court the High Court finds to have the jurisdiction, let the concerned Court be directed to expedite the proceedings in the factual matrix of the case.

14. Having heard the learned counsel for the parties, the question of law that requires consideration is 'whether in the light of the amended provision of the Commercial Courts Act w.e.f. 03.05.2018 whether a pecuniary jurisdiction for a Commercial Court in the State of Telangana would continue to be Rs.1,00,00,000/- in terms of the notification under the pre-amended provision of law or whether it has to be Rs.3,00,000/- in terms of the amended provision so far as the Specified Value under Section 2(1)(i)?

15. For better understanding of the dispute, it would be relevant at this juncture to take note of the un-amended provisions of the

Commercial Courts Act, 2015. The relevant portion required for consideration are the definition as is provided of 'commercial dispute' under Section 2(1)(c), of which also the material clause involved is Sub-Clause (vii) of Clause (c) which reads as under:

"2. Definitions. -(1) In this Act, unless the context otherwise requires,-

.....

(c) "commercial dispute" means a dispute arising out of--

.....

(vii) agreements relating to immovable property used exclusively in trade or commerce;"

16. So also the definition of 'specific value' as is defined under Section 2(1)(i) which reads as under:

"2. Definitions. -(1) In this Act, unless the context otherwise requires,-

.....

(i) "Specified Value", in relation to a commercial dispute, shall mean the value of the subject-matter in respect of a suit as determined in accordance with section 12 which shall not be less than one crore rupees or such higher value, as may be notified by the Central Government."

17. Section 3 also lays down the constitution of the Commercial Courts within the State, which reads thus:

"3. Constitution of Commercial Courts.- (1) The State Government, may after consultation with the concerned High Court, by notification, constitute such number of Commercial Courts at

District level, as it may deem necessary for the purpose of exercising the jurisdiction and powers conferred on those Courts under this Act:

Provided that no Commercial Court shall be constituted for the territory over which the High Court has ordinary original civil jurisdiction.

(2) The State Government shall, after consultation with the concerned High Court specify, by notification, the local limits of the area to which the jurisdiction of a Commercial Court shall extend and may, from time to time, increase, reduce or alter such limits.

(3) The State Government shall, with the concurrence of the Chief Justice of the High Court appoint one or more persons having experience in dealing with commercial disputes to be the Judge or Judges, of a Commercial Court, from amongst the cadre of Higher Judicial Service in the State."

18. Another aspect of law which needs to be considered is the provision of Section 12 dealing with 'Specified Value' and Section 15 dealing with 'transfer of pending Suits'. For ready reference, Section 12 & Section 15 are being reproduced hereunder:

"Section 12: Determination of Specified Value.-(1) The Specified Value of the subject-matter of the commercial dispute in a suit, appeal or application shall be determined in the following manner:-

(a) where the relief sought in a suit or application is for recovery of money, the money sought to be recovered in the suit or application inclusive of interest, if any, computed up to the date of filing of the suit or application, as the case may be, shall be taken into account for determining such Specified Value;

(b) where the relief sought in a suit, appeal or application relates to movable property or to a right therein, the market value of the movable property as on the date of filing of the suit, appeal or application, as the case may be, shall be taken into account for determining such Specified Value;

(c) where the relief sought in a suit, appeal or application relates to immovable property or to a right therein, the market value of the immovable property, as on the date of filing of the suit,

appeal or application, as the case may be, shall be taken into account for determining Specified Value; ¹[and]

(d) where the relief sought in a suit, appeal or application relates to any other intangible right, the market value of the said rights as estimated by the plaintiff shall be taken into account for determining Specified Value; and

(e) where the counter-claim is raised in any suit, appeal or application, the value of the subject matter of the commercial dispute in such counter-claim as on the date of the counter-claim shall be taken into account.

(2) The aggregate value of the claim and counterclaim, if any as set out in the statement of claim and the counterclaim, if any, in an arbitration of a commercial dispute shall be the basis for determining whether such arbitration is subject to the jurisdiction of a Commercial Division, Commercial Appellate Division or Commercial Court, as the case may be.

(3) No appeal or civil revision application under section 115 of the Code of Civil Procedure, 1908 (5 of 1908), as the case may be, shall lie from an order of a Commercial Division or Commercial Court finding that it has jurisdiction to hear a commercial dispute under this Act."

15. Transfer of pending cases.-(1) All suits and applications, including applications under the Arbitration and Conciliation Act, 1996 (26 of 1996), relating to a commercial dispute of a Specified Value pending in a High Court where a Commercial Division has been constituted, shall be transferred to the Commercial Division.

(2) All suits and applications, including applications under the Arbitration and Conciliation Act, 1996 (26 of 1996), relating to a commercial dispute of a Specified Value pending in any civil court in any district or area in respect of which a Commercial Court has been constituted, shall be transferred to such Commercial Court:

Provided that no suit or application where the final judgment has been reserved by the Court prior to the constitution of the Commercial Division or the Commercial Court shall be transferred either under sub-section (1) or sub-section (2).

(3) Where any suit or application, including an application under the Arbitration and Conciliation Act, 1996 (26 of 1996), relating to a commercial dispute of Specified Value shall stand transferred to the Commercial Division or Commercial Court under sub-section (1) or sub-section (2), the provisions of this Act shall apply to those procedures that were not complete at the time of transfer.

(4) The Commercial Division or Commercial Court, as the case may be, may hold case management hearings in respect of such transferred suit or application in order to prescribe new timelines or issue such further directions as may be necessary for a speedy and efficacious disposal of such suit or application in accordance ¹[with Order XV-A] of the Code of Civil Procedure, 1908 (5 of 1908):

Provided that the proviso to sub-rule (1) of Rule 1 of Order V of the Code of Civil Procedure, 1908 (5 of 1908) shall not apply to such transferred suit or application and the court may, in its discretion, prescribe a new time period within which the written statement shall be filed.

(5) In the event that such suit or application is not transferred in the manner specified in sub-section (1), sub-section (2) or sub-section (3), the Commercial Appellate Division of the High Court may, on the application of any of the parties to the suit, withdraw such suit or application from the court before which it is pending and transfer the same for trial or disposal to the Commercial Division or Commercial Court, as the case may be, having territorial jurisdiction over such suit, and such order of transfer shall be final and binding."

A plain reading of Section 12 clearly gives an indication of the said provision providing the method and guidelines for determining the Specified Value involved in the commercial dispute. The provision of law does not prescribe a minimum Specified Value, or for that matter the maximum Specified Value. The Section outlines the procedure to be followed for determining the value of a suit based on its nature. Likewise, Section 15 is a crucial provision that lays down the jurisdiction of Commercial Courts, specifying the appropriate court for filing commercial disputes.

19. Admittedly, when the Suit was filed it was the un-amended Commercial Courts Act, 2015 which was in force. However, the Act

itself was substantially amended w.e.f. 03.05.2018 and it was known as Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Act, 2018. Some of the amendments that have been brought into by way of amendment of 2018 is the 'Specified Value' in Section 2(1)(i) which was amended as under:

"for the words "which shall not be less than one crore rupees, the words "which shall not be less than three lakh rupees" shall be substituted."

20. Likewise, so far as Section 3, the constitution of the Commercial Court is concerned the following amendments in Sub-Section (1) of Section 3 whereby two provisos were substituted for the existing proviso clause. It reads as under:

"Provided that with respect to the High Courts having ordinary original civil jurisdiction, the State Government may, after consultation with the concerned High Court, by notification, constitute Commercial Courts at the District Judge level:

Provided further that with respect to a territory over which the High Courts have ordinary original civil jurisdiction, the State Government may, by notification, specify such pecuniary value which shall not be less than three lakh rupees and not more than the pecuniary jurisdiction exercisable by the District Courts, as it may consider necessary."

21. So also there was further additional Sub-Section incorporated as Section (1A) after Sub-Section (1) which also reads as under:

"(1A) Notwithstanding anything contained in this Act, the State Government may, after consultation with concerned High Court, by notification, specify, such pecuniary value which shall not be less than thrce lakh rupees or such higher value, for whole or part of the State, as it may consider necessary."

22. In addition, the amendment was brought to Sub-Section (3) wherein in the un-amended Sub-Section (3) the word 'shall' has been substituted with 'may' and in Sub-Section (3) for the words in the un-amended portion i.e. the Commercial Court Act 'from amongst the cadre of Higher Judicial Service in the State' was amended to be substituted and read as thus:

"Commercial Court either at the level of District Judge or a court below the level of a District Judge."

23. The aforesaid amendment in the said Commercial Courts Act came into w.e.f. 03.05.2028. The effect of the aforesaid amendment to Section 2(1)(i) deals with the definition of 'Specified Value' and where it has been held that all matters where the value in relation to the commercial dispute is Rs.3,00,000/- and above would be one which would be heard by the Commercial Courts. The limit of Rs.3,00,000/- is substituted with the earlier limit of Rs.1,00,00,000/-. As a consequence of the said amendment w.e.f. 03.05.2018, in the entire country where the Commercial Courts Act

is applicable, the value in relation to the commercial dispute to decide whether it has to be heard by the Commercial Court or not, stands replaced with the amount of Rs.3,00,000/- in place of Rs.1,00,00,000/- and the State of Telangana is no exception to this.

24. Hence, this Court has no hesitation in reaching to the conclusion that beyond 03.05.2018 every Suit which falls within the purview of a commercial dispute and the value of the dispute is more than Rs.3,00,000/- has to be transferred to the Commercial Court under Section 15. The contention of the learned counsel for the respondents / plaintiffs that a special notification in this regard by the State in consultation with the High Court is separately required is not tenable, as clause(i) of Sub-Section (1) of Section 2 does not require a further notification by the Government in consultation with the High Court for making the said amended provision to be applicable in the States. The said contention so far as a separate notification by the State Government in consultation with the High Court is one which is required under Section 3. The amended Section 3 reads as under:

"3. Constitution of Commercial Courts.-(1) The State Government, may after consultation with the concerned High Court, by notification, constitute such number of Commercial Courts at

District level, as it may deem necessary for the purpose of exercising the jurisdiction and powers conferred on those Courts under this Act:

[Provided that with respect to the High Courts having ordinary original civil jurisdiction, the State Government may, after consultation with the concerned High Court, by notification, constitute Commercial Courts at the District Judge level:

Provided further that with respect to a territory over which the High Courts have ordinary original civil jurisdiction, the State Government may, by notification, specify such pecuniary value which shall not be less than three lakh rupees and not more than the pecuniary jurisdiction exercisable by the District Courts, as it may consider necessary.]

[(1-A) Notwithstanding anything contained in this Act, the State Government may, after consultation with concerned High Court, by notification, specify such pecuniary value which shall not be less than three lakh rupees or such higher value, for whole or part of the State, as it may consider necessary.]

(2) The State Government shall, after consultation with the concerned High Court specify, by notification, the local limits of the area to which the jurisdiction of a Commercial Court shall extend and may, from time to time, increase, reduce or alter such limits.

(3) The [State Government may], with the concurrence of the Chief Justice of the High Court appoint one or more persons having experience in dealing with commercial disputes to be the Judge or Judges, of a [Commercial Court either at the level of District Judge or a Court below the level of a District Judge.]”

25. Chapter 2 of aforesaid amended Section 3 deals specifically so far as constitution or establishment of Commercial Courts within the State and the notification that is required is for the establishment of a Commercial Court within the State and also in deciding to constitute such number of Commercial Courts at the District level as

it may deem necessary for the purpose of exercising the jurisdiction and powers conferred on the Commercial Courts. The notification of the Government in consultation with the High Court is also required to decide the pecuniary jurisdiction of the Commercial Courts if there are more than one in a District or in a State.

26. In order to better understand the same, what is necessary to be appreciated is that so far as the Specified Value in respect of the value involved in a Suit which is otherwise commercial dispute, has been brought down from Rs.1,00,00,000/- to Rs.3,00,000/-. In the process, if in a given District the number of Commercial Courts happen to be more than one, in the said circumstances a notification is required deciding pecuniary jurisdiction in respect of each such Court. Such an issuance of notification is not contemplated under Section 2(1)(i) for variance to be brought to the specific value of Rs.3,00,000/- by notification by any of the State Governments. The issuance of notification by the Government is strictly required under Section 3 for establishment of Commercial Courts and for deciding pecuniary value of each of the Courts so established in a District and also where the High Courts have original civil jurisdiction to decide

the pecuniary value of original Suits filed in the High Courts and the Specified Value of Suits which have to be filed at the District Courts.

27. The contention of the learned counsel for the respondents / plaintiffs so far as requirement of a special notification to decide whether 'Specified Value' can be enhanced by the State Government contrary to the amendment brought in to the Commercial Courts Act in the year 2018, particularly under Section 2(1)(i); even otherwise plain reading of the provisos to Section 2 and Section 3 would also clearly show that any notification that has to be issued must be for a value of more than Rs.3,00,000/-, which in other words means that anything above Rs.3,00,000/- and is a commercial dispute under the definition of Section 2(1)(c) the matter is one which has to be dealt with or referred to the concerned Commercial Court. With all due respect, this Court would like to defer with the view taken by a Co-ordinate Bench of this High Court in the case of **M/s. Satyam Process Pvt. Ltd.** (supra).

28. Undoubtedly, in the instant case, the construction raised by the respondents through the petitioners was for commercial purpose. The fact that it was for commercial purpose also stands proved and established from the fact that it has been given for

commercial use and a hospital is being run by defendant No.3. In the said circumstances, the dispute automatically becomes a commercial dispute under Sub-Clause (vii) of Section (1)(c).

29. In the case of **Ambalal Sarabhai Enterprises Limited vs. K.S. Infraspace LLP and Another**⁵, the Hon'ble Supreme Court had an occasion of dealing with the definition of Section 2(1)(c) in respect of an agreement relating to an immovable property. In paragraph Nos.36 and 37 of the said judgment, it has been held as under:

"36.....A purposive interpretation of the Statement of Objects and Reasons and various amendments to the Civil Procedure Code leaves no room for doubt that the provisions of the Act require to be strictly construed. If the provisions are given a liberal interpretation, the object behind constitution of Commercial Division of Courts viz. putting the matter on fast track and speedy resolution of commercial disputes, will be defeated. If we take a closer look at the Statement of Objects and Reasons, words such as "early" and "speedy" have been incorporated and reiterated. The object shall be fulfilled only if the provisions of the Act are interpreted in a narrow sense and not hampered by the usual procedural delays plaguing our traditional legal system.

37. A dispute relating to immovable property per se may not be a commercial dispute. But it becomes a commercial dispute, if it falls under sub-clause (vii) of Section 2(1)(c) of the Act viz. "the agreements relating to immovable property used exclusively in trade or commerce". The words "used exclusively in trade or commerce" are to be interpreted purposefully. The word "used" denotes "actually used" and it cannot be either "ready for use" or "likely to be used" or

⁵ (2020) 15 Supreme Court Cases 585

"to be used". It should be "actually used". Such a wide interpretation would defeat the objects of the Act and the fast tracking procedure discussed above."

30. A dispute of similar nature has come up before this High Court in the case of **Life Shine Medical Services Pvt. Ltd.** (supra), wherein in paragraph Nos.9 to 11, it has been held as under:

"9. In the facts at hand admittedly the petitioner is in the business of healthcare activities and had established a hospital in the name of 'Tulasi Hospital' in the suit scheduled property. When a purposive interpretation is given, by taking into consideration the business of the petitioner, their act in establishing 'Tulasi Hospital' and then leasing out the subject premises to run a hospital, in the view of this Court is an act done in the regular course of the petitioner's business. Thus, the lease agreement in question relates to an immovable property which is used exclusively for trade or commerce. Further, although the respondent has failed to come forward to register the written lease agreement, the petitioner herein has agreed to let out the subject premises by way of an oral lease on monthly basis, therefore he cannot now contend that there was no valid lease deed between the parties.

10. In terms of the explanation to Section 2(1)(c) of the Act, 2015, a commercial dispute does not cease to be so, merely because it involves action for recovery of immovable property or for realisation of monies out of immovable property given as security or involves any other relief pertaining to immovable property. Thus, so long as the disputes arise out of a property which is being used in trade or business, the dispute remains commercial. In the present case the petitioner claims to have cleared the debts of the respondents herein, such payments majorly relate to payment of salaries of staff members, Dialysis Payment, Pharmacy balances, Ambulance services etc., These payments admittedly relate to the hospital leased to the respondents, which is an immovable property exclusively used in trade or commerce.

11. Further the act of the petitioner in paying the debts of the respondents in relation to hospital equipment and machinery,

indicates that such payment was made to avoid attachment of said equipment which would in-turn affect the running of the hospital. Thus, the contention that the relief of recovery of money paid towards the respondents debts is not a commercial dispute within the meaning of Section 2(1)(c)(vii) of the Act, 2015 does not find force with this Court, as the payment made by the petitioner herein is squarely covered by the explanation to Section 2(1)(c) of the Act, 2015. Therefore, in the view of this Court the disputes in the present case are commercial in nature. The observations of the High Court of Andhra Pradesh in **Blue Nile Developers Private Limited Vs. Movva Chandra Sekhar and Ors**⁶, while discussing the definition of 'commercial dispute' are relevant as under:

'20. Hence from the above, it is clear that the "legislature" has included the various types of commercial transactions to bring under the fold of "commercial dispute" in case of any dispute arises from any of those transactions. On a careful reading of the above said provision of the Act, it is obvious that the legislature has taken due care while incorporating the above said clauses from (i) to (xxii) in Section 2(1)(c) of the Act by avoiding the repetition of words and sentences without effecting the full fledged meaning of the same even on expansion of the said each clause. Therefore, either giving any restrictive meaning or reading of a clause in isolation and expansion of one word only in the said clause would hamper and frustrate the meaningful definition of the said clause on it's expansion by abrogating certain category of transactions from the purview of the benefit of the above said Act which is not otherwise the intendment of the legislature in bringing out the said enactment.'"

31. In the given factual circumstances of the case and the amended provision of the Commercial Courts Act, this Court is of the firm view that the decision taken by the Trial Court is not proper, legal and sustainable, and the same deserves to be and is

⁶ 2021 SCC OnLine AP 3964

accordingly set aside. The Civil Revision Petition stands allowed. As a consequence, this Court is inclined to allow I.A.No.948 of 2023 filed by the petitioners under Order VII Rule 10 (a & b) read with Section 151 of CPC. However, considering the fact that instant is a Revision Petition invoking the supervisory jurisdiction under Article 227, this Court is of the considered opinion that since the Suit is of the year 2016 and substantial pleadings have all been brought on record, it would be better if the entire Suit as it is, instead of returning it back to the respondents for filing it before the appropriate Court under Section 15 of the Commercial Courts Act, the Suit be transferred to the Commercial Court having jurisdiction in the Ranga Reddy District. It is further ordered that once when the file gets transferred to the concerned Commercial Court Ranga Reddy District, the said Commercial Court shall proceed from the stage it is now fixed before the Trial Court before filing of I.A.No.948 of 2023 by the petitioners herein. Further, also considering the fact that the Suit is one which was filed in the year 2016, and as such more than nine years have lapsed, the concerned Commercial Court where the Suit would get transferred is directed to ensure that the Suit is taken up on priority basis as is agreed upon by the learned counsel appearing on either side, and ensure

that the same is concluded at the earliest in accordance with law without granting any unnecessary prolonged adjournments.

32. As a sequel, miscellaneous petitions pending if any, shall stand closed. However, there shall be no order as to costs.

**SD/- L. LAKSHMI BABU
DEPUTY REGISTRAR**

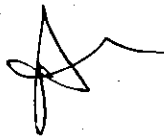
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SECTION OFFICER

To,

1. The VI Additional District and Session Judge- Cum-Family Court Kaithlapur Ranga Reddy District at Kukatpally
2. One CC to SRI K PRABHAKAR, Advocate [OPUC]
3. One CC to SRI D RAGHAVENDAR RAO, Advocate [OPUC]
4. Two CD Copies

ADK/gh



HIGH COURT

DATED:21/03/2025

ORDER

CRP.No.297 of 2025



**ALLOWING THE CRP
WITHOUT COSTS**

6
REMA
02/5/2025