HC-KAR

NC: 2026:KHC:22931-DB
COMAP No. 79 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

COMMERCIAL APPEAL NO. 79 OF 2022

BETWEEN:

1. MR VIMAL PRAFUL JANGLA
   AGED ABOUT 41 YEARS
   SON OF MR PRAFUL JANGLA
   RESIDING AT R-603
   PANCHSHEEL GARDENS
   MAHAVEER NAGAR
   KANDIVALI WEST
   MUMBAI-400067.

2. VINIT VINAYAK PRABHUGAONKAR HUF
   REPRESENTED BY ITS KARTA
   MR VINIT VINAYAK PRABHUGAONKAR
   AGED ABOUT 42 YEARS
   SON OF MR VINAYAK PRABHUGAONKAR
   RESIDING AT A-202,
   RNA REGENCY
   KANDIVALI WEST
   MUMBAI-400067.

...APPELLANTS

(BY SRI. KASHYAP N. NAIK, ADVOCATE)

Digitally signed by RAKSHA
Location: High Court of Karnataka

AND:

M/S KRISHNA ENTERPRISES
(HOUSING AND INFRASTRUCTURES) INDIA PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT:
PROJECT KRISHNA SHELTON
FLAT 103, KATTIGENAHALLI
A BLOCK BAGLUR CROSS
YELAHANKA HOBLI
BANGALORE-560063
REPRESENTED BY ITS MANAGING DIRECTOR
MR ANIL KUMAR

…RESPONDENT
(RESPONDENT SERVED, BUT UNREPRESENTED)

THIS COMAP IS FILED UNDER SECTION 37(1)(A) OF THE ARBITRATION AND CONCILIATION ACT, 1996 R/W SECTION 13(1-A) OF THE COMMERCIAL COURTS ACT, 2015, PRAYING TO (A) CALL FOR THE RECORDS IN COM.A.A.NO. 116/2021 ON THE FILE OF THE LEARNED LXXXIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, COMMERCIAL DIVISION (CCH-85) AND ETC.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

Learned counsel appearing for the appellants submits that nothing survives for consideration in this Section 37 appeal filed against an order passed under Section 9 of the Arbitration and Conciliation Act, 1996, since the proceedings have been terminated and has filed a memo to that effect.

2. The memo dated 24.04.2026 reads as follows:

> *"The Appellant most respectfully submits as follows:*
>
> *1. The Appellants have preferred the present appeal aggrieved by the order dated 02.12.2021 passed in Com.A.A. No. 116 of 2021 ("Impugned Order") by the Learned LXXXIV Additional City Civil and Sessions Judge Commercial Division (CCH-85) ("Ld. Commercial Court").*
>
> *2. It is submitted that the during the course of the subject appeal, the Arbitral Tribunal constituted under Arbitration Case 543 of 2022 at the instance of the Appellant was terminated on 04.06.2024 for non payment of Claimant share of Arbitrator's fee. As such, this Appeal preferred by the Appellant challenging the dismissal of interim measures sought for by the Appellant before the Ld. Trial Court may not survive for consideration.*
>
> *Wherefore, the Appellant most respectfully prays that this Hon'ble Court may be please to dismiss the instant appeal for having become infructuous, leaving all contentions open, in the interest of justice and equity."*

3. In the above view of the matter, appeal is ***dismissed*** as having become ***infructuous***.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(TARA VITASTA GANJU)
JUDGE

PN
List No.: 1 Sl No.: 1