HC-KAR

NC: 2026:KHC:60481
WP No. 6737 of 2026

CNR: KAHC010150852026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 6737 OF 2026 (GM-CPC)

BETWEEN:

1. MITA ASHOK CHHABRIA,
   W/O LATE. ASHOK KUMAR M CHHABRIA
   AGED ABOUT 73 YEARS

2. PRITI GHAI,
   D/O LATE. ASHOK KUMAR M CHHABRIA
   AGED ABOUT 46 YEARS,

3. SHRUTI ASHOK CHHABRIA
   D/O LATE. ASHOK KUMAR M CHHABRIA
   AGED ABOUT 41 YEARS,

4. MEGHNA ASHOK CHHABRIA
   D/O LATE. ASHOK KUMAR M CHHABRIA
   AGED ABOUT 34 YEARS,

   ALL THE PETITIONERS ARE RESIDING AT
   FLAT NO.F-2, "SKAV SAPPHIRE" APARTMENTS,
   108/Q, KALPANA CHAWLA ROAD,
   BHOOPSANDRA, BANGALORE - 560 094

...PETITIONERS

(BY SRI. VEERESH M. UPPIN, ADVOCATE FOR
SRI. K. CHANDRANATH ARIGA, ADVOCATE)

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

AND:

1. DR.SUKANYA PRAKASH
   W/O PRAKASH B VAIDYA,
   AGED ABOUT 69 YEARS
   SHAKTISHREE, 428,
   8TH CROSS, 2ND BLOCK,
   R.T. NAGAR,
   BENGALURU - 560 032.

   ALSO AT
   DR. SUKANYA PRAKASH
   DOOR NO. 125, 6TH CROSS
   (BEHIND NAMADHARIS AND CANARA BANK),
   ASHWATH NAGAR,
   GEDDALAHALLI, SANJAYNAGAR,
   BENGALORE - 560 094
   EMAIL DRSUKANYAPV@GMAIL.COM

2. SRI. UMMEDRAM
   NO.7, 1ST MAIN ROAD,
   TEMPLE STREET, RMV 2ND STAGE,
   ASHWATH NAGAR, BENGALURU - 560 094.

   ALSO AT
   SRI. UMMEDRAM
   DOOR NO.125, 6TH CROSS
   (BEHIND NAMADHARIS AND CANARA BANK),
   MAJOR
   ASHWATH NAGAR, GEDDALAHALLI,
   SANJAYNAGAR, BENGALORE - 560 094

…RESPONDENTS

(VIDE ORDER DATED 15.06.2026
NOTICE TO R1 AND R2 IS HELD SUFFICIENT)

CNR: KAHC010150852026

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO-SET ASIDE THE ORDER DATED 04.02.2026 IN COM.OS.NO.999/2026 PASSED BY THE COURT OF THE LXXXV ADDL. CITY CIVIL AND SESSIONS JUDGE AT BENGALURU (COMMERCIAL COURT) (CCH-86) ANNX-J.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The present petition impugns the order dated 04.02.2026, whereby the Trial Court, while returning the plaint, failed to direct the parties to appear before the Court in which the plaint is to be re-presented and to fix a date for such appearance.

2. Learned counsel appearing for the petitioners submits that when a plaint is returned by the Commercial Court for re-presentation before another Court, the Commercial Court is required to fix a date for the appearance of the parties before

the Court to which the plaint is to be presented. However, the Commercial Court has failed to undertake such an exercise.

3. Considered the submissions made by the learned counsel for the petitioners and upon perusal of the impugned order. The limited grievance in the present petition is that no date has been fixed for the appearance of the parties before the Court to which the plaint is to be presented.

4. A bare perusal of Order VII Rule 10A(2) of the Code of Civil Procedure indicates that the plaintiff is required to make an application to the Court specifying the Court before which the plaint is proposed to be presented after its return.

5. A perusal of the application filed before the Commercial Court indicates that no specific averment has been made identifying the Court before which the plaint is proposed to be re-presented, except for a general statement that it would be presented before the jurisdictional Court. When such an application specifying the averments above is filed, the Court returning the plaint is required to specify the Court before which such appearance is to be made. In that view of the

matter, no ground is made out to interfere with the impugned order.

6. Accordingly, writ petition is ***dismissed***.

Sd/-
(K. V. ARAVIND)
JUDGE

NMS
List No.: 1 Sl No.: 6