IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 9492 OF 2024 (GM-CPC)

BETWEEN:

M/S. SRI LAXMI AGENCY,
NEW FORT, NEAR MARUTHI TEMPLE,
C.B.T. HUBBALLI – 580 021.
REP BY PROP SMT. S.R.MANCHALI.

APPEAR BEFORE TRIAL COURT AND
THIS HON'BLE COURT THROUGH GPA HOLDER
SMT. ROOPA
W/O MAHESH GHASARI,
AGED ABOUT 51 YEARS,
OCC: BUSINESS,
R/AT PRASHANT COLONY,
BEHIND MURDESHWAR TILES FACTORY,
GOKUL ROAD, HUBBALLI-580 021.
REGISTERED UNDER COMPANIES ACT, 1956.

Digitally signed by JAI JYOTHI J
Location: HIGH COURT OF KARNATAKA

...PETITIONER

(BY SRI. PRAVEENA KUMARA NIRVANI., ADVOCATE)

AND:

M/S. MAHESH CHANNEL PARTNERS LLP,
NO.142, 1ST FLOOR, CKC GARDEN,
M.C.CHINNIAH LANE,
LALBAGH ROAD, BENGALURU – 560 027.
REP BY G.P.A. HOLDER
SRI. TAPAN KUMAR,
[REGISTERED UNDER LIMITED LIABILITY
PARTNERSHIP ACT, 2008]

...RESPONDENT

(BY SRI. ANAND.K., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDERS DTD. 14.03.2024 PASSED BY THE HON'BLE LXXXV ADDL. CITY CIVIL AND SESSIONS JUDGE, COMMERCIAL COURT AT BENGALURU (CCH 86) IN COM.O.S.NO. 1253 OF 2023 (ANNX-C) REJECTING THE APPLICATION UNDER SEC 151 OF CPC.

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

CORAM: **HON'BLE MS. JUSTICE TARA VITASTA GANJU**

ORAL ORDER

1. The challenge in the present petition is to an order dated 14.03.2024, passed by the learned LXXXV Additional City Civil and Sessions Judge, Commercial Court at Bengaluru (CCH.86) in Com.O.S.No.1253/2023 [hereinafter referred to as the "Impugned Order"]. By the Impugned Order, the learned Trial Court has rejected an application seeking to recall an order dated 02.01.2024, by which the Written Statement was not taken on record.

2. After some arguments, the learned counsel for the respondent/plaintiff submits that he has filed a memo stating that the Commercial Suit stands stayed by this

Court since 25.04.2024, and that in view of the pendency of the matter, the respondent/plaintiff has 'no objection' if the petition be allowed, subject to directions to the learned Trial Court for speedy disposal.

3. It is the undisputed case of the parties that, although the vakalath on behalf of the petitioner/defendant was filed before the learned Trial Court on 17.3.2021, he did not file any Written Statement. The matter was thereafter transferred to the Commercial Court on 08.12.2023 and on that day, notice was issued to the parties. Subsequently, on 02.01.2024, the matter was listed before the learned Commercial Court and on that date, the right to file a Written Statement stood closed by the Commercial Court and the matter proceeded for evidence.

4. It is also not disputed by the parties that the learned Commercial Court has not yet taken up the Case Management Hearing in terms of the proceedings

under Order XV-A of the Code of Civil Procedure, 1908, in the matter subsequent to the transfer.

5. The learned counsel for the petitioner/defendant has averred that he has already placed his Written Statement on record, on 14.03.2024. He further submits that he has only one witness to present.

6. The statement of the learned counsel for the petitioner/defendant is taken on record. The petitioner/ defendant is bound down by the statement made by his counsel today.

7. The learned counsel for the petitioner/defendant further submits that since the petitioner/defendant has conceded to, he is also in agreement with the memo filed by the respondent, since he also requires an opportunity to produce his defence. He further submits that the petitioner/defendant will not take any unnecessary adjournments before the learned Trial Court, henceforth, to expedite the proceedings.

8. The learned counsel for both the parties also submit that, they will adhere to the Case Management Schedule and the timelines fixed thereunder, once such Schedule is fixed by the learned Commercial Court.

9. In view of the consensus between the parties and with a view to expedite the suit, the order dated 02.01.2024 passed by the learned Commercial Court is recalled. The Written Statement filed by the petitioner/ defendant on 14.03.2024, shall be taken on record.

10. Since the parties have already stated that they both have only one witness and the evidence can commence immediately, the learned Commercial Court is requested to schedule the timelines accordingly.

11. It is made clear that this order is being passed without *prejudice* to the rights of the respondent/plaintiff to contest the matter including for the delayed filing of the Written Statement by the petitioner/defendant. The rights and contentions of both parties shall be kept open.

12. List before the learned Commercial Court on **25.11.2026**.

Digitally signed by TARA VITASTA GANJU
Location: HIGH COURT OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

BMV
List No.: 2 Sl No.: 4