HC-KAR

NC: 2026:KHC:61302-DB
COMAP No. 176 of 2024

CNR: KAHC010255192024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

COMMERCIAL APPEAL NO.176 OF 2024

BETWEEN:

M/S DWARAKAMAI FOODS AND BEVERAGES PRIVATE LIMITED
(A COMPANY INCORPORATED UNDER
THE PROVISIONS OF COMPANIES ACT, 2013)
HAVING ITS REGISTERED OFFICE AT
NO.S-24, 18TH MAIN ROAD,
BEL II STAGE
HEROHALLI
BHARATH NAGAR
BENGALURU-560091
REPRESENTED BY ITS MANAGING DIRECTOR
SRI RAGHUANTH G

Digitally signed by PAVITHRA N
Location: High Court of Karnataka

...APPELLANT

(BY SRI. SHESHACHALA S. JOSHI, ADV. FOR
SRI. YESHU BABA R MISHRA, ADV.)

AND:

SRI.M.SANJEEV
S/O LATE H MANJAPPA
AGED ABOUT 85 YEARS

R/AT NO.359,
17TH A CROSS,
26TH MAIN,
J P NAGAR
VI PHASE
BENGALURU-560078

…RESPONDENT

(BY SRI. DINESH NEELKANT, ADV.)

THIS COMMERCIAL APPEAL IS FILED UNDER SECTION 13 (1-A) OF COMMERCIAL COURTS ACT, PRAYING TO SET ASIDE THE JUDGMENT AND DECREE DATED 13.02.2024 IN COM.O.S.NO.440/2021 PASSED BY THE LXXXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU (CCH-83) AND CONSEQUENTLY DISMISS THE SUIT AS PRAYED FOR WITH COSTS.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

ORAL JUDGMENT

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

Heard the learned counsel appearing on either side.

2. It is submitted that the disputes between the parties have been settled and that the appellant has delivered the possession of the Schedule Property through the process of Court to the respondent in Com. Ex. 306/2024. It is submitted that a portion of the decreed arrears of rents and damages has also been realised in Com. Ex.306/2024 and that the execution proceedings have been closed. The appellant therefore confirms the judgment and decree in O.S. No.440/2021 and the delivery of possession of the schedule property and also the sale of movables in the execution proceedings and agrees not to precipitate the appeal and seeks to withdraw the appeal through the compromise petition.

3. The parties to the appeal agree that all the mutual claims between them are settled and there is no further claims of any kind against each other.

4. In the above view of the matter, this appeal is ***dismissed*** as ***withdrawn*** in terms of the compromise entered into between the parties. A memo is also filed stating that the appellant is a Company which has been struck off and that the Court fee may be refunded to the account from which it was paid. The details of the accounts are also mentioned in the memo. The Registry shall refund the Court fee as applicable to the account mentioned in the memo from which the Court fee was paid.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

PN
List No.: 1 Sl No.: 4