HC-KAR

NC: 2026:KHC:21398-DB
COMAP No. 220 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

COMMERCIAL APPEAL NO. 220 OF 2026

BETWEEN:

SMT N VISALAKSHI
WRONGLY SHOWN AS N.VISALAKSHMI
AGED ABOUT 70 YEARS,
W/O RUDRAPRASAD,
R/A NO.51/20, OSBORNE ROAD,
BENGALURU-560042

…APPELLANT

(BY SRI. M.D.RAGHUNATH, ADVOCATE)

AND:

Digitally signed by NIRMALA DEVI
Location: HIGH COURT OF KARNATAKA

1. M/S S A ENTERPRISES
   A REGISTERED PARTNERSHIP FIRM,
   HAVING ITS OFFICE AT NO.1,
   GROUND FLOOR 12TH MAIN,
   BRINDAVAN NAGAR, SBM COLONY,
   BENGALURU-560054,
   REP BY ITS PARTNER,
   SMT. K. UMA MAHESHWARI,
   W/O M. BANUPRASAD,
   AGED ABOUT 49 YEARS,

2. SRI. SHREYAS. M.B,
   S/O M. BANUPRASAD,
   AGED ABOUT 28 YEARS,

3. SRI. AJAY.N,
S/O V. NARAYANAPPA,
AGED ABOUT 27 YEARS

4. SMT. K. UMA MAHESHWARI,
W/O M. BANUPRASAD,
AGED ABOUT 49 YEARS,

ALL OF THEM HAVING ITS
OFFICE AT NO.1, GROUND FLOOR,
12TH MAIN, BRINDAVAN NAGAR,
SBM COLONY, BENGALURU-560054

…RESPONDENTS

THIS COMAP IS FILED UNDER SECTION 13(1A) OF THE COMMERCIAL COURTS ACT, 2015, PRAYING TO SET ASIDE THE ORDER DATED 26.02.2026 PASSED IN COM MISC.NO.24/2023 BY LXXXVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU, (CCH-88), AND ALLOW THE APPEAL THEREBY SETTING ASIDE THE IMPUGNED ORDER, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning an order dated 26.02.2026 passed by the LXXXVII Additional City Civil and Sessions Judge, Bengaluru [**Commercial Court**] in Com. Misc.

No.24/2023. In terms of the impugned order, the learned Commercial Court had allowed the respondent's application filed under Order IX Rule 13 r/w Section 144 & 151 of Code of Civil Procedure, 1908 [**CPC**] and has set aside an *ex parte* judgment and decree dated 29.08.2022 passed in O.S. No.417/2022.

2. The present appeal is not maintainable as the impugned order is not one of the orders which are enumerated under Order XLIII Rule 1 of the CPC. In terms of Order XLIII Rule 1(b) of CPC an order which rejects an application under Order IX Rule 13 of CPC is appealable; not an order allowing the said application.

3. In view of the above, the present appeal is dismissed as not maintainable.

4. All pending applications are also disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(C.M. POONACHA)
JUDGE

BS - List No.: 2 Sl No.: 13