HC-KAR

NC: 2026:KHC:65478-DB
COMAP No. 239 of 2026

CNR: KAHC010292092026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

COMMERCIAL APPEAL NO. 239 OF 2026

BETWEEN:

1. MILES EDUCATION PRIVATE LIMITED
A COMPANY INCORPORATED
UNDER THE PROVISIONS OF
COMPANIES ACT, 1956
THE HAVING ITS REGISTERED
OFFICE AT
GROUND-1 FLOOR, WEST
WING, JST-SILICON TOWERS,
KONDAPUR,
SERILINGAMPALLY MANDAL,
HYDERABAD - 500 084.

HAVING ITS ADMINISTRATIVE OFFICE AT
2ND FLOOR, MANTRI AVENUE,
20TH MAIN RD, 8TH BLOCK,
KORAMANGALA BENGALURU - 560047.
EMAIL:ingor@mileseducation.com
REPRESENTED BY ITS AUTHORISED
REPRESENTATIVE,
MR. DIVYANSH PITTI.

...APPELLANT

(BY SRI. V.S. RAGHAVAN SENIOR ADVOCATE FOR
SRI. ARJUN RAO., SUDHEESH S KESARKAR,
MS AANANYA GHOSH, ADVOCATE)

Digitally signed by VASANTHA KUMARY B K
Location: HIGH COURT OF KARNATAKA

AND:

1. VIKAS GUPTA
   S/O. RAJENDER KUMAR
   GUPTA
   AGED ABOUT 58 YEARS
   RESIDING AT 44-35-36/4, 7,
   ANSARI ROAD, DARYA GANJ,
   NEW DELHI 110 002.
   EMAIL:vg@futurense.com

2. FUTURENSE TECHNOLOGIES
   PRIVATE LIMTED
   A COMPANY INCORPORATED
   UNDER THE PROVISIONS OF
   THE COMPANIES ACT, 2013
   HAVING ITS REGISTERED OFFICE AT
   4435-36/4, 7, ANSARI ROAD,
   DARYA GANJ, NEW DELHI 110 002.
   Email:
   info@futurense.com
   REPRESENTED BY DIRECTOR,
   MR. VIKAS GUPTA.

3. INDIAN INSTITUTE OF TECHNOLOGY,
   JODHPUR
   HAVING ITS REGISTERED OFFICE AT
   NH - 62, NAGAUR ROAD,
   KARWAR, RAJASTHAN 342 030.
   EMAIL: office_establishment_e
   2@iitj.ac.in
   REPRESENTED BY ITS DIRECTOR,
   PROF. SANTANU CHAUDHURY

…RESPONDENTS

(BY SRI. C.K.NANDAKUMAR, SENIOR COUNSEL FOR
ROHAN KOTHARI FOR C/R1;
SRI. TINE ABRAHAM FOR C/R2)

CNR: KAHC010292092026

THIS COMAP/COMMMERCIAL APPEAL IS FILED UNDER SEC.13(1A) OF THE COMMERCIAL COURTS ACT, 2015 R/W SECTION. XLI OF THE CPC, 1908, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED.10.03.2026 N COM.O.S.NO.977/2025 PASSED BY THE LXXXVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, COMMERCIAL COURT, BENGALURU, (ANNEXURE-A).

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal under Section 13(1A) of the Commercial Courts Act, 2015 (for brevity ***'the Act'***) has been filed impugning the order dated 10.03.2026 passed by the LXXXVII Additional City Civil and Sessions Judge, Commercial Court in Com.O.S.No.977/2025, whereby the plaint of the appellant/plaintiff has been rejected on the ground of not invoking pre-institution mediation and settlement as provided under Section 12A of the Act.

2. Sri. V. Srinivas Raghavan, learned Senior Counsel appearing for the appellant has drawn our attention to the order dated 11.07.2025 passed by the Commercial Court,

whereby I.A.No.2 filed by the appellant/plaintiff under Section 12A of the Act seeking dispensation of PIM for the reasons stated in the accompanying affidavit was allowed. Once the Court itself has allowed the exemption from going to the PIM under Section 12A of the Act, we fail to understand that how the plaint could have been rejected on the same very ground. It appears that there has been an omission on the part of the learned Court in ignoring the order dated 11.07.2025 passed on IA No.2 filed by the Appellant/Plaintiff.

3. Sri C. K. Nandakumar, learned Senior Counsel appearing for the respondent No.1/caveator does not dispute this fact. However, he submits that when the respondent/defendant has filed an application under Order 7 Rule 11 R/w Section 151 of Code of Civil Procedure for recalling the order dated 11.07.2025, the Court has not passed any order to recall that order and rejected the plaint.

4. We are of the view, that there is an omission on the part of the learned Commercial Court in not taking notice of the order dated 11.07.2025. We therefore, ***allow*** this appeal and

set aside the impugned order dated 10.03.2026 passed by the LXXXVII Additional City Civil and Sessions Judge, Commercial Court in Com.O.S.No.977/2025 and restore the suit to its original number and remand the matter back to the Commercial Court to decide the application filed by the respondent/defendant in accordance with law, so also all the pending applications, after hearing both the parties and taking into consideration the order dated 11.07.2025 passed by the Commercial Court on IA No.2 filed by the plaintiff/appellant.

5. Parties shall remain present before the Court concerned on 02.12.2026.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

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