HC-KAR

NC: 2026:KHC:59949-DB
COMAP No. 347 of 2025

CNR: KAHC010364282025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 28TH DAY OF OCTOBER, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE D K SINGH**

**AND**

**THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN**

**COMMERCIAL APPEAL NO. 347 OF 2025**

**BETWEEN:**

1. DHARMANANDA PATRA @ DHAINA
PROPRIETOR HANUMAN FRUITS COMPANY
PERMANENT R/O MAHATAB ROAD,
CHHATRA BAZAR,
CUTTACK 753 012, ODISHA

2. HANUMAN FRUITS COMPANY
HAVING ITS PRINCIPAL PLACE OF BUSINESS AT
CHHATRA BAZAR, CUTTACK 753 012,
ODISHA

...APPELLANTS

(BY SMT. RADHA JAYANTHI C S.,ADVOCATE)

Digitally signed by MALA K N
Location: HIGH COURT OF KARNATAKA

**AND:**

M/S. SKL GRAPES
A REGISTERED PARTNERSHIP FIRM
HAVING ITS OFFICE AT NO. 270,
36TH A CROSS, 7TH BLOCK, JAYANAGAR,
BENGALURU 560 082.
REPRESENTED BY ITS PARTNER
SMT. KOMAL KANNAYALAL

...RESPONDENT

(BY SRI. MALLIKARJUN N K, ADVOCATE FOR
SRI. SAMPATH A, ADVOCATE FOR C/R (CP NO.10630/25))

THIS COMAP / COMMERCIAL APPEAL UNDER SECTION 13 1A OF THE COMMERCIAL COURTS ACT, 2015 READ WITH

SECTION 96(2) AND 151 OF THE CODE OF CIVIL PROCEDURE PRAYING TO SET ASIDE THE EX-PARTE JUDGMENT AND DECREE DATED 19.02.2022 PASSED BY THE HON'BLE LXXXIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU IN COM.O.S.NO.328/2020 AND RESTORE THE ORIGINAL SUIT AND AFFORD AN OPPORTUNITY TO THE APPELLANTS TO LEAD EVIDENCE IN THE INTEREST OF JUSTICE, AND APPOINT A DAY FOR PROCEEDINGS WITH THE SUIT.

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)

This appeal has been filed under Section 13(1-A) of the Commercial Courts Act, 2015 read with Section 96(2) and 151 of the Code of Civil Procedure, 1908, impugning the judgment and decree dated 19.02.2022 passed in Com.O.S.No.328/2020 by the LXXXIII Additional City Civil and Sessions Judge, Bengaluru City (CCH-84), whereby the learned Commercial Court has partly decreed the suit of the plaintiff.

2. During the pendency of this appeal, the parties to the appeal have settled their dispute amicably outside the Court and have presented the joint compromise petition under Order XXIII Rule 3 of CPC. The terms of Settlement have been signed by the parties along with their advocates. Appellant, who has appeared through video conferencing, has been identified by his counsel. Respondents are also present and have been identified by their counsel. They state that they would abide by the terms and conditions of the compromise petition.

3. The terms of the Memorandum of Compromise Petition read as under:

> ***"JOINT COMPROMISE APPLICATION UNDER ORDER XXIII RULE 3 READ WITH SECTION 151 CPC***
>
> *That, for the reasons stated in the accompanying affidavits sworn to by the Appellants and the Respondent, this Hon'ble Court be pleased to allow the present IA, record the settlement arrived at between the parties, direct the release of the amounts in accordance with the terms of settlement, order refund of the court fee paid by the Appellants; and pass such other order(s) as this Hon'ble Court may deem fit in the facts and circumstances of the case, in the interest of justice and equity.*

*The parties have amicably resolved and agreed to settle their disputes on the terms and conditions set out hereinbelow.*

*a) The Appellants have agree to pay, and the Respondent has agreed to accept, a sum of Rs.2,00,000/- (Rupees Two Lakhs only) towards full and final settlement of the balance decretal amount;*

*b) The said sum shall be released to the Respondent out of the amount of Rs.3,85,800 (Rupees Three Lakhs Eighty Five Thousand Eight Hundred Only) already deposited by the Appellants before this Hon'ble Court vide Memo dt. 16.09.2025; and*

*c) The balance amount of Rs.1,85,000/- (Rupees One Lakh Eighty Five Thousand Eight Hundred Only), together with the entire interest accrued on the total sum of Rs.3,85,000 (Rupees Three Lakhs Eighty Five Thousand Eight Hundred Only) shall be released to the Appellants."*

4. In the light of the compromise petition, the appeal stands ***disposed of***.

The appellant would be entitled to refund of the Court fee, as may be permissible, under the relevant Rules.

The original documents may be returned to the appellant after keeping photocopies thereof.

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The Registry is directed to draw the decree accordingly.

In view of disposal of the appeal, pending interlocutory applications, if any, stand disposed of.

**Sd/-**
**(D K SINGH)**
**JUDGE**

**Sd/-**
**(H.SHANTHI BHUSHAN)**
**JUDGE**

KNM
List No.: 1 Sl No.: 2