HC-KAR

NC: 2026:KHC:61565-DB
COMAP No. 368 of 2025

CNR: KAHC010398492025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH 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. 368 OF 2025

BETWEEN:

1. SRI P JAGADISH
S/O PADMAABHAIAH C,
AGED ABOUT 47 YEARS,
RESIDING AT NO.161,
NIRMALA MAHAL,
AYYAPPA LAYOUT,
MALLASANDRA EXTENSION,
T. DASARAHALLI POST,
BENGALURU-560 057.

2. SRI. PADMANABHAIAH C.,
S/O LATE. C. VENKATASWAMY
AGED ABOUT 77 YEARS,
RESIDING AT NO.161,
NIRMALA MAHAL,
AYYAPPA LAYOUT,
MALLASANDRA EXTENSION,
T. DASARAHALLI POST,
BENGALURU-560 057.

...APPELLANTS

(BY SRI. PRAVEEN S.C. FOR
SRI. ANANDA K., ADVOCATE)

AND:

1. M/S N R GREENWOOD
CONSTRUCTION PVT. LTD.,

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

A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956,
HAVING ITS REGISTERED OFFICE
AT NO.396, 3RD FLOOR,
FIRST MAIN, KHM BLOCK,
JUDGES COLONY,
GANGANAGAR,
BENGALURU-560 032.
REPRESENTED BY ITS AUTHORIZED
REPRESENTATIVE MR. RAGHU A.

2. MR. P. KIRAN,
S/O.SRI. PADMANABHAIAH C,
AGED ABOUT 41 YEARS,
R/AT NO.161, NIRMALA MAHAL,
AYYAPPA LAYOUT,
MALLSANDRA EXTENSION,
T. DASARAHALLI,
BENGALURU-560 057,
PRESENTLY RESIDING
AT NO.22, 2ND CROSS,
1ST MAIN,
MUNESHWARA LAYOUT,
VADERAHALLI,
VIDYARANYAPURA POST,
BENGALURU-560 097.

…RESPONDENTS

(BY SRI. NILE.A.P FOR
SRI. PURUSHOTHAMAN K N., ADVOCATE FOR R1 AND
ALSO ACCEPTS NOTICE FOR RESPONDENTS [V/O
DATED:28/07/2026])

THIS COMAP IS FILED UNDER SECTION 13(1-A) OF COMMERCIAL COURT ACT, PRAYING TO CALL FOR RECORDS IN COM.OS.NO.281/2022 FROM THE FILE OF LXXXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-83), PERUSE THE SAME, HEAR THE PARTIES AND SET ASIDE THE JUDGMENT AND DECREE DATED 21.03.2025 PASSED IN COM.OS.NO.281/2022 BY THE LEARNED LXXXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU (CCH-83)

AND DISMISS THE SUIT IN COM.O.S.NO.281/2022 FILED BY THE RESPONDENT NO.1 BY ALLOWING THIS REGULAR FIRST APPEAL AND TO APPEAL AND TO PASS SUCH OTHER ORDERS AS THIS HONBLE COURT DEEMS FIT AND PROPER IN THE FACTS AND CIRCUMSTANCES OF THE CASE AND TO MEET THE ENDS OF JUSTICE AND EQUITY.

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 against the judgment and decree dated 21.03.2025 passed by the LXXXII Additional City Civil and Sessions Judge, Bengaluru Com.O.S.No.281/2022.

2. On the last day of hearing i.e., on 28.07.2026 the learned counsel for the appellants stated that the parties were endeavoring to resolve their dispute amicably and on that ground requested for an adjournment. Accepting the request made by the learned counsel for the appellants, we adjourned the matter to enable the parties to explore the possibility of an amicable settlement.

3. However, the learned counsel for the respondent/plaintiff submits that the appellants have not approached the plaintiff/respondent with any proposal for settlement and their intention is just to prolong the matter. It is further submitted that the notices issued to the judgment debtor/appellant in the execution proceedings have not been served as they have furnished incorrect address.

4. When the matter is taken up today, the learned counsel for the appellants once again sought for an adjournment stating that there is a possibility of a settlement of the dispute between the parties. We cannot be the party to the tactics being employed by the learned counsel for the appellants to keep the appeal alive without there being any sincere endeavour on their behalf to get the matter resolved outside the court. We, therefore, refuse to accede to the request of the learned counsel for the appellants for an adjournment.

5. At this stage, the learned counsel for the appellants submitted that he does not have much to argue in the appeal. We, therefore, dismiss the appeal and affirm the judgment and decree passed by the Commercial Court. Accordingly, the appeal is dismissed. The judgment and decree dated 21.03.2025 passed by the Commercial Court are hereby affirmed.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

RKA
List No.: 1 Sl No.: 2