HC-KAR

NC: 2026:KHC:60322-DB
COMAP No. 393 of 2026

CNR: KAHC010562962026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH 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. 393 OF 2026

BETWEEN:

M/S. GOMS ELECTRICALS PRIVATE LIMITED
NEW NO.43, OLD NO.113,
1ST MAIN ROAD, R.K. NAGAR,
MANDAVELLI, CHENNAI,
TAMIL NADU 600 028,
REPRESENTED BY ITS AUTHORISED SIGNATORY,
SRI M THANIGACHALAM.

...APPELLANT

(BY SRI. SHREYAS B S, ADVOCATE)

AND:

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

M/S. CAUVERY ELECTRICALS PRIVATE LIMITED
NO.237, CHICKPET MAIN ROAD,
SHANTHAVEERAIAH LANE,
BENGALURU 560 053,
REPRESENTED BY ITS DIRECTOR/
AUTHORIZED REPRESENTATIVE
MR. K. ANIL KUMAR.

...RESPONDENT

THIS COMAP FILED UNDER SECTION 13(1-A) OF COMMERCIAL COURT ACT,2015 READ WITH SECTION 96 AND ORDER XLI RULE 1 OF THE CODE OF CIVIL PROCEDURE, 1908, PRAYING TO SET ASIDE THE JUDGMENT AND DECREE DATED 21.10.2024 PASSED IN COM.OS.NO.1546/2022 BY THE HON'BLE LXXXVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU, SITTING AS THE EXCLUSIVE DEDICATED COMMERCIAL COURT.

CNR: KAHC010562962026

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 Commercial Court Appeal under Section 13(1a) of the Commercial Courts Act, 2015 has been filed impugning the judgment and decree dated 21.10.2024, passed by the LXXXVII Additional City Civil and Sessions Judge, (CCH 88), Bengaluru in Com.O.S.No.1546/2022 (**'Commercial Court'**) filed by the respondent-plaintiff. The Commercial Court has decreed the suit filed by the respondent-plaintiff for an amount of Rs.27,50,238/- with interest @12% per annum from the date of suit till the date of realization.

2. The appeal is accompanied by the application I.A.No.1/2026 under Section 5 of the Limitation Act, 1963 to condone the delay of 599 days.

3. The affidavit accompanying the application states the reason in paragraph Nos.3, 4 and 5 which, in sum and

substance would say that the parties were discussing after the judgment and decree to arrive at a mutual settlement, the appellant could not file the appeal on time.

4. The reasons stated in the affidavit is least convincing and not bonafide. We find no reason to condone such a huge delay of 599 days in preferring the appeal.

We therefore, dismiss the application I.A.No.1/2026. Resultantly the appeal is also dismissed.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

BVK
List No.: 2 Sl No.: 7