HC-KAR

NC: 2026:KHC:64368-DB
COMAP No. 540 of 2025

CNR: KAHC010671772025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH 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. 540 OF 2025

BETWEEN:

TRUEMIX CONCRETE INDIA PVT LTD.,
A COMPANY INCORPORATED
UNDER THE COMPANIES ACT, 2013 AND
HAVING ITS REGISTERED OFFICE AT NO.72/1,
SARJAPURA ROAD, CHAMBENAHALLI VILLAGE,
DOMMASANDRA, BENGALURU-562 125.
REPRESENTED BY ITS AUTHORIZED SIGNATORY
MR. NIKHIL VERNEKAR

...APPELLANT

(BY SRI. RICAB CHAND K, ADVOCATE)

AND:

HOYSALA PROJECTS PVT LTD.,
A COMPANY INCORPORATED
UNDER COMPANIES ACT, 1956
OFFICE AT NO.104, GROUND FLOOR,
INFANTARY TECHNO PARK INFANTARY ROAD,
BANGALORE-560 001.
THROUGH ITS MANAGING DIRECTOR

...RESPONDENT

(BY SRI. DILIP KUMAR I S, ADVOCATE)

Digitally signed by B VEENA KUMARI
Location: HIGH COURT OF KARNATAKA

THIS COMAP / COMMERCIAL APPEAL UNDER SECTION 13 (1A) OF THE COMMERCIAL COURTS ACT, 2015 PRAYING TO SET ASIDE THE JUDGMENT DATED 12.08.2025 PASSED BY THE HON'BLE LXXXV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, AT BENGALURU (CCH-86) IN COMMERCIAL OS NO.1691/2024, AND PLEASE ALLOW THE PRESENT APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CNR: KAHC010671772025

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 appeal has been filed under Section 13(1)(A) of the Commercial Courts Act, 2015 impugning the judgment and order dated 12.08.2025 passed by the LXXXV Additional City Civil and Sessions Judge, Bengaluru (CCH-86) in Com.O.S.No.1691/2024.

2. During the pendency of the present appeal, the parties have amicably settled their dispute outside the Court and they have filed a joint compromise I.A.No.1/2026, under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 praying that a consent decree be passed in terms of the settlement arrived between them.

3. The parties are present before the Court and they have been identified by their respective counsel. They

state that the compromise has been entered into between them is without any force, coercion or undue influence. They also state that they stand by the terms of the compromise and will adhere to the same. The terms of the joint compromise reads under:

> *"1. The appellant has filed an Commercial Appeal under Section 13(1) of the Commercial Courts Act, 2015 before Hon'ble High Court challenging the Judgment dated 12-08-2025 in Commercial OS No.1691 of 2024.*
>
> *2. At the instances of well-wishers of both the Parties, the matter has been amicably settled out of Court as per the terms and conditions set out hereinbelow.*
>
> *3. That, accordingly, the parties have amicably settled all their disputes and differences out of their own free will, without any coercion undue influence, fraud or misrepresentation, on the following terms:*
>
> *4. The finding of the trial court in the Judgment dated 12-08-2025 in Commercial OS No.1691 of 2024 are set aside.*
>
> *5. The Respondent agrees to pay an amount of Rs.4,00,000/- in 2 instalments to the Appellant and the same is received in the following manner towards the full and final settlement of the suit claim.*

Sl. No.	***PARTICULARS***	***DATE***	***Mode***	***AMOUNT***
1.	*1ST Instalment*	*19.11.2026*	*By way of online transfer Demand Draft*	*Rs.2,00,000/-*
2.	*2nd Instalment*	*On or before 19/01/2027*	*By way of account transfer to the account of the Plaintiff*	*Rs.2,00,000/-*
				Rs.4,00,000/-

6. In the event failure to pay instalments, the appellant is at liberty to execute the compromise decree before Commercial Court along with interest at the rate of 12% per annum till the date of realization.

7. That the compromise is lawful, is in writing and is signed by both the parties, in compliance with Order XXIII Rule 3 CPC, and the parties have also filed their respective affidavits in support thereof.

8. That the compromise is bona fide and in the interest of both parties, and no purpose would be served in continuing the appeal.

9. Refund of court fees paid as per rules."

4. In view of the joint compromise entered into between the parties, we dispose of the appeal in terms of the joint compromise. Consequently, the judgment and decree dated 12.08.2025 passed by the LXXXV Additional

City Civil Judge and Sessions Judge, Bengaluru (CCH-86) in O.S. No.1691/2024 is hereby set aside.

5. Let a decree shall be drawn in terms of the joint compromise petition.

6. Any amount deposited by the appellants pursuant to the interim orders passed by this Court during the pendency of the appeal should be refunded, together with the interest, if any, accrued thereon.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

BVK
List No.: 1 Sl No.: 2