

KABC170011242025



**IN THE COURT OF LXXXV ADDL. CITY CIVIL & SESSIONS  
JUDGE, AT BENGALURU (CCH-86) (Commercial Court)**

**THIS THE 11<sup>th</sup> DAY OF JULY 2025**

**PRESENT:  
SRI.ARJUN. S. MALLUR. B.A.L.LL.B.,  
LXXXV ADDL. CITY CIVIL & SESSIONS JUDGE,  
BENGALURU.**

**Com.OS.No.449/2025**

**PLAINTIFF:**

**M/S Gravity Talent and others,**

Through Its Sole Proprietor,

Mr Subhash Rao Having Its Office At No.1183,

35th C Cross, 28th Main, 4th T Block,

Jayanagar, Bangalroe - 560004

**(Represented by Sri.Raghuram Cadambi, Advocate)**

**: Versus:**

**DEFENDANT:**

**Beep Experience Management Private Limited and  
others**

A Company incorporated under the Companies Act, 1956,

Having its registered address at:

No.29, 2F, Dr Muniyappa Road,

Kilpauk, Chennai - 600010

**(Represented by Sri.H N Narendra Dev, Advocate for D1)  
Sri.M K, Advocate for D2)**

**IA.NOS.IV**

**Applicant/Defendant: Beep Experience Management  
Private Limited**

(Represented by Sri.HNNDK, Advocate)  
**V/s**

**Opponent/Plaintiff: M/S Gravity Talent and others,**

(Represented by Sri.H N Narendra Dev, Advocate for D1)

(i)	Provisions under which the application is filed	U/o.VII Rule 11 of CPC
(ii)	Relief sought for	Seeking rejection of plaint
(iii)	The date on which the application is filed	11.06.2025
(iv)	Number of the application	I.A.No.4
(v)	The date on which the objections are filed by different opponents	20.06.2025
(vi)	The date on which the orders were passed on the said application	11.07.2025

**ORDERS ON IA.NO.IV**

I.A.No.4 is filed by defendant No.1 under Order VII Rule 11 of CPC for rejection of the plaint.

**2.** It is contended by the applicant that the plaintiff has valued the subject matter of the suit and contended that it exceeds the specified value of Rs.3,00,000/- which is contrary to both law and facts. It is submitted that as evident from purchase agreement dated 10.08.2020 the fee payable to the artist is Rs.2,75,000/- and therefore the valuation of the subject matter of the suit exceeding Rs.3,00,000/- is improper and quantifying the damages at Rs.13,75,000/- is also illegal and impermissible in law. It is submitted that the subject matter of the dispute is less than Rs.3,00,000/- and therefore it does not fall within the pecuniary jurisdiction of this Court and the plaint is liable to be rejected. Further in paragraphs 7 to 10 of the affidavit filed in support of the application the defendant No.1 has made averments with regard to the merits of the dispute regarding the plaintiff having no ownership or right over the copyright, the plaintiff having not produced any proof regarding authorized by plaintiff Nos.2 to 8 to represent them in the suit and none of the contents created, produced and performed are by the plaintiff but in fact they are by the third parties and that the plaintiff do not hold the original copyrights. All these averments

are not necessary to be looked into while dealing with an application for rejection of the plaint. Hence the application.

**3.** A detailed statement Objection is filed by the plaintiff to the said application contending that the application is false, frivolous and vexatious only to harass the plaintiff and to delay adjudication of the dispute in hand. It is contended that previously on the same ground defendant No.2 had filed similar application under I.A.Nos.4 and 6 which has been duly rejected by the Court. It is further contended that the present suit was earlier filed before City Civil Court in O.S.No.1799/2021 wherein as per directions of the Court the plaintiff had filed a memo of valuation for ascertaining the specified value and considering the same the Court concluding that the value of the subject matter is above Rs.3,00,000/- has returned the plaint vide order dated 01.03.2025 and therefore once again on the same ground the defendant No.1 cannot seek for rejection of plaint. It is submitted that the Court vide order dated 01.03.2025 has accepted the valuation done by the plaintiff and once the valuation is accepted by the Court it cannot be again re-agitated by a different

defendant. It is submitted that though the defendant No.1 now seeks for returning the plaint on the point of valuation he did not raise any objection when the earlier Court returned the plaint on the point of jurisdiction. Plaintiff has denied all other averments and sought for rejection of the application with costs.

**4.** Heard the learned counsels appearing for the defendant No.1 and the counsel for the plaintiff and perused the entire material on record. Both sides have filed memo with citations. Written submissions are also filed.

**5.** The points for consideration are:-

1) Whether the defendant No.1 substantiates that plaint is liable to be rejected under Order VII Rule 11 of CPC?

2) What order?

**6.** My answer on the above point is as under:

Point No.1: **In the Negative.**

Point No.2: As per final order for the following

**REASONS**

**7. POINT NO.1:-** The defendant No.1 is seeking rejection of the plaint Order VII Rule 11 of CPC. Order VII Rule 11 of CPC deals with rejection of plaint under six circumstances as enumerated there in. The defendant No.1 does not specify under which clause specifically he is seeking for rejection of the plaint. However upon reading the averments made in the application it is to be culled out that the defendant No.1 is seeking rejection of the plaint Order VII Rule 11(b), (c) for under valuation. Rejection of plaint for lack of pecuniary jurisdiction is not contemplated under Order VII Rule 11 of CPC. Order VII Rule 11 (b) of CPC clearly stipulates that where the plaint is undervalued and plaintiff fails to correct the valuation within the time frame fixed by the Court then the plaint is liable to be rejected. Likewise under Order VII Rule 11(c) where the plaint is clearly and properly valued but the plaint is upon a insufficiently stamped paper and the plaintiff fails to furnish the requisite stamp paper within the time fixed by the Court then the Court is empowered to reject the plaint. Admittedly both is not the circumstances here but on the other hand rejection of plaint in this case is sought on the ground that the

specified value for the purpose of jurisdiction is below Rs.3,00,000/-.

**8.** It is pertinent to mention here that where the specified value of the subject matter of the suit is below the pecuniary limits the proper course would be return the plaint for presentation before proper forum. A Court not having the pecuniary jurisdiction cannot resort to rejection of the plaint but it can only return the plaint which admittedly is done in this case by the City Civil Court. In so far as the proper Court fee not being paid still Court need not reject the plaint at the threshold but on the other hand can stipulate that a decree would be drawn only when requisite Court fee is paid to the Court. Therefore prima-facie the ground on which the defendant No.1 is seeking rejection of the plaint cannot be sustained.

**9.** It is now required to see whether this Court has got the pecuniary jurisdiction to try the suit. As mentioned above previously this suit was filed before the City Civil Court numbered as O.S.No.1799/2021. Subsequently vide order dated 01.03.2025 the plaint has been returned under Order VII Rule 10(a) of CPC for presentation before this

Court directing the both parties to appear before this Court on 25.03.2025 without expecting further notice. Prior to passing the order dated 01.03.2025 the plaintiff has been called upon to file the memo of valuation showing the specified value and the plaintiff in para 3 (b) of the memo of valuation has described that where the plaintiff's performance is used elsewhere outside the terms of the agreement without the consent or approval of the plaintiff the defendant would be required to pay additional fee amounting to 500% of the artist fee for each unauthorized use which would amount to Rs.13,75,000/-. Therefore plaintiff is seeking award of damages of Rs.13,75,000/-. The suit is one for relief of permanent injunction prohibiting the defendants from infringing the plaintiffs copyright and other incidental reliefs. For the purpose of jurisdiction the plaintiff has valued the suit under Sec.7(2) of the Karnataka Court Fee and Suit Valuation Act and has paid the relevant Court fee and has described the specified value of the subject matter at Rs.13,75,000/-. The plaintiff is the master of the suit and it is his prerogative to value the suit in terms of the reliefs claimed.

**10.** Prior to this application the defendant No.2 had filed similar application and the City Civil Court vide order dated 02.09.2024 had rejected the said application. Upon return of the plaint and presentation of the same before this Court it become a fresh suit. The learned counsel for the defendant No.1 in support of his argument relied upon judgment of our Hon'ble High Court in **2019 SCC OnLine Kar 1024 M/s Fine Footwear Private Limited vs. Skechers U.S.A.INC and others** wherein at para 9 of the judgment it is observed as under:

*Para 9: It has been a well settled position of law that the plaintiff being the dominus litis has the prerogative of choosing the Court and determine the valuation of the suit for the purpose of pecuniary jurisdiction, special jurisdiction or for computation of court fees; the opposing party cannot insist that the suit be tried before some other Court without establishing the lack of jurisdiction of the Court in which the cause is brought; To put it succinctly, the commercial courts shall have exclusive jurisdiction if both the commercial dispute and specified value concur to exist and not just one of them*

**11.** He also relied upon judgment of our Hon'ble High Court in **MFA No.6392/2022 dated 02.01.2023, Bangalore Blues Entertainment India Private**

**Limited vs. One Ikigai Edutech Private Limited and others** wherein our Hon'ble High Court has reiterated the observations made by the Apex Court in **Vishal Pai's judgment** and also the judgment of our Hon'ble High Court in **Fine Footwear Private Limited.**

**12.** Per contra the learned counsel for the plaintiff has relied upon the following decisions.

1. Judgment of our Hon'ble High Court in **CRP No.487/2023 dated 08.04.2024 Saavn Media Ltd., vs. Sri Hamsalekha and others** wherein at para 22 and 24 it has been observed as under:

*Para 22: It is worth to note that filing of the suit in the Court which does not have jurisdiction does not attract the provisions of Order VII Rule 11 of CPC. In fact, Rule 10 of Order VII speaks of 'Return of the plaint' when the plaint is filed in a Court which does not have the jurisdiction. Therefore, filing of the suit in a Court having no jurisdiction cannot be a ground to invoke the provisions of Order VII Rule 11 of CPC.*

*Para 24: Where the relief is undervalued and the plaintiff is required to pay the Court the correct court fee within the time fixed by the Court, if he fails to do so, then only, the plaint is liable to be rejected.*

**2. 2022 SCC Online Del 3272 Sandip Kumar Roy Choudary and others vs. Indian Plumbing Association through its president Gurmit Singh Arora** wherein at para 24 it has been observed as under:

*Para 24: To sum up the principles for consideration of proper suit valuation and payment of Court Fee as can be gathered from the above discussed case law, is that it is the nature of relief which is determinative of the court fee payable. If there exists objective standard to calculate the valuation of relief, then court fee must be paid on such valuation as may be made for the purpose of suit valuation. However, when the relief cannot be quantified as in the case of injunction, the law gives a discretion to the party to value it as per its own estimation. Having regard to the Section 15 of CPC, though the suit should be filed in the Court of lowest grade, but once the discretion as granted by law, is exercised by a party, it should not be lightly disturbed or substituted by the Court unless it is found to be fixed arbitrarily and with the malafide intention such as "Forum Shopping" and such like other reasons.*

**3. 2022 SCC Online Del 1730 Vishal Pipes Limited vs. Bhavya Pipe Industry** wherein at para 54 of the judgment it has been observe as under:

*Para 54: The legal position as to suit valuation, choice of forum, payment of Court fee, etc., both before and after the enactment of the CCA, as*

*emerging from various judicial decisions, is summarized below:*

*(i) To decide the valuation and Court fee payable in a case, the Court should look into the allegations in the plaint and examine the substantive reliefs. Mere astuteness in drafting the plaint will not be allowed to stand in the way of the Court to look into the substance of the relief sought. Whimsical valuation is thus not permitted. [Shamsher Singh v. Rajinder Prashad & Ors., (1973) 2 SCC 524].*

*(ii) Valuation of a suit has to be adequate and reasonable. The plaintiff cannot deliberately/arbitrarily undervalue the relief. There must be a genuine effort by the plaintiff to estimate the relief.[Meenakshisundaram Chettiar v. Venkatachalam Chettiar, (1980) 1 SCC 616];*

*(iii) If the valuation given by the plaintiff is arbitrary and unreasonable, the Court may reject the same and permit the plaintiff to correct the valuation or have the plaint rejected. The valuation must not be arbitrary or manifestly inadequate. [Abdul Hamid Shamsi v. Abdul Majid, (1988) 2 SCC 575]*

*(iv) The plaintiff cannot whimsically choose a ridiculous figure for filing the suit in an arbitrary manner where there are positive materials or objective standards of valuation of the relief, on the face of the plaint. [Commercial Aviation & Travel Company v. Vimani Pannalal, (1988) SCC 423]*

*(v) The plaintiff has to give definite reasons for not ascertaining the exact value of the relief. If the exact valuation is not done, on the basis of certain basic requirements, the plaintiff's discretion would become arbitrary. Lack of bonafides would also cloud the right of the plaintiff to value the suit as per its own will. The Court can then compel the plaintiff to examine the plaint and would require the plaintiff to pay the requisite ad valorem Court fee.*

**4. (1999) Supreme Court Cases 590 Hope Plantations Ltd., vs. Taluk Land Board, Peermade and another** wherein with respect to application of the principles of estoppel and resjudicata it has been observed as under:

*estoppel and res judicata are based on public policy and justice. Doctrine of res judicata is often treated as a branch of the law of estoppel though these two doctrines differ in some essential particulars. rule of res judicata prevents the parties to a judicial determination from litigating the same question over again even though the determination may even be demonstratedly wrong. When the proceedings have attained finality, parties are bound by the judgment and are estopped from questioning it. They cannot litigate again on the same cause of action nor can they litigate any issue which was necessary for decision in the earlier litigation. These two aspects are 'cause of action estoppel' and 'issue estoppel'.*

*These two terms are of common law origin. Again once an issue has been finally determined, parties cannot subsequently in the same suit advance arguments or adduce further evidence directed to showing that issue was wrongly determined. their only remedy is to approach the higher forum if available. the determination of the issue between the parties gives rise to as noted above, an issue estoppel. It operates in any subsequent proceedings in the same suit in which the issue had been determined. It also operated in subsequent suits between the same parties in which the same issue arises. Section 11 of the Code of Civil Procedure contains provisions of res judicata but these are not exhaustive of the general doctrine of res judicata. Legal principles of estoppel and res judicata are equally applicable in proceedings before administrative authorities as they are based on public policy and justice.*

**5. (2003) 1 Supreme Court Cases 557 Saleem Bhai and others vs. State of Maharashtra and others**

wherein it is observed as under:

*For the purposes of deciding an application under clauses (a) and (d) of Rule 11 of Order VII C.P.C. the averments in the plaint are germane; the pleas taken by the defendant in the written statement would be wholly irrelevant at that stage,*

**13.** I have gone through the above cited decisions and the observations made in the decisions at Sl No.1 to 3 above with regard to the valuation of a suit seeking the relief of

injunction do apply to the prevailing facts and circumstances of the case. In so far as the observations of the Apex Court in Hope Plantations case it is with regard to the applying the doctrine of estoppel and resjudicata which in the prevailing circumstances may not apply to this case as the present suit is based on representation of the plaint afresh after being returned by the earlier Court. Though the subject matter and parties are one and the same nevertheless upon representation of the plaint it becomes a fresh suit. The observations made in the Saleem Bhai's judgment by the Hon'ble Apex Court is the settled position of law regarding the Court only requiring to consider the plaint and the documents while adjudicating an application under Order VII Rule 11(a) of CPC.

**14.** It is pertinent to mention here that previously before the City Civil Court based upon the valuation memo submitted by the plaintiff the Court has already taken a view that the specified value exceeds the amount of Rs.3,00,000/- attracting the pecuniary jurisdiction of the Commercial Courts and the plaint has been returned for representation before this Court and accordingly the

plaint is presented before this Court. It has been already held by the Court of a competent jurisdiction that the Commercial Court, Bengaluru have got the jurisdiction to entertain the suit as the specified value exceeds Rs.3,00,000/- and therefore there cannot be rejection of the plaint once again on the ground of pecuniary jurisdiction as sought and the application filed by the defendant No.1 seeking rejection of the plaint is liable to be rejected. Accordingly, I answer Point No.1 in the **Negative.**

**15. POINT NO.2:-** For the aforesaid reasons, I pass the following:

**ORDER**

I.A.No.IV filed by the defendant No.1 U/o.VII Rule 11 of CPC is **dismissed.**

No order as to costs.

(Dictated to the Stenographer Grade-III, transcribed by her, corrected and then pronounced by me in open court on this the **11<sup>th</sup> day of July, 2025**)

**(ARJUN. S. MALLUR)**  
**LXXXV Addl.City Civil & Sessions Judge,**  
**Bengaluru.**