

Com.O.S.449/2025

Orders on IA No.3.

IA No.3 is filed by the plaintiff u/S 12A of Commercial Courts Act, 2015 for dispensation of Pre-Institution Mediation contending that in the light of the urgent reliefs for injunction being sought compelling the plaintiff to undergo Pre-Institution Mediation would cause undue delay and defeat the purpose of seeking urgent reliefs.

To the said application the defendants 1 and 2 have not filed any objections.

Heard the counsels for both sides and perused the records.

This suit was earlier filed as a regular civil suit in O.S.1799/2021 and the concerned court vide order dated 01.03.2025 returned the plaint for presentation before this court. Parties were directed to appear before this court on 25.03.2025. The plaint came to be filed afresh on 22.03.2025 and on the first hearing there was no application seeking dispensation of Pre-Institution Mediation. Three days later this application was filed. Meanwhile defendant No.1 filed application u/O 7 R 11 CPC which came to be disposed after

contest. Defendant No.2 filed application u/O 1 R 10 CPC which also came to be disposed after contest. These proceedings would only indicate that after filing of this application much water has been flown. Moreover, before the previous court similar temporary injunctive relief was sought which came to be rejected as per order dated 02.09.2021 which is nearly 4 years back. After refiling the suit afresh though similar applications are filed except contending that the alleged infringed video still continues to be circulated there is not much of a changed circumstance. Therefore, I am of the considered opinion that there is no pressing need for grant of any urgent interim reliefs.

The suit has already been filed and proceedings also have taken place. Under such circumstances I deem it proper to refer the parties to under go mediation procedure by following the observations made by the Apex Court in the decision reported in **2025 SCC Online SC 1129 Dhanbad Fuels Pvt. Ltd., -vs- Union of India and another.** Accordingly the following:

ORDER

**IA No.3 filed by the plaintiff
u/S 12A of Commercial**

Courts Act, 2015 is disposed off with above observations.

Both parties are directed to be appear before Mediation Center, Bengaluru to undergo mediation as per the 60 days mediation campaign initiated by the Hon'ble Apex Court. Both parties shall appear before Mediation Center, Bengaluru without fail on 26.09.2025 at 11.00 a.m.

Office is directed to send the concerned papers in the required proforma to Mediation Center, Bengaluru forthwith.

Await report of mediation by 23.10.2025.

**LXXXV A.C.C. & S.J.,
Bengaluru.**