

ORDERS ON OFFICE OBJECTIONS

Heard the learned counsel for the plaintiff and perused the records.

The office has raised an objection regarding the pecuniary jurisdiction of this Court based on the valuation of the reliefs made by the plaintiff.

The plaintiff has filed this suit for declaration that cancellation of the registered JDA and POA through legal notice dated 29.11.2025 by the defendants is non est in law and for temporary injunction restraining the defendants from creating any charge or alienating in any manner the schedule property and also not to interfere possession of the plaintiff and permit him to perform his part of the obligations under the JDA and POA dated 17.03.2022. For the purpose of jurisdiction the plaintiff has stated the specified value of the suit to be above Rs.3,00,000/- and for the purpose of Court fee the reliefs are valued at Sec.24(d) and 26(c) of Karnataka Court Fee and Suit Valuation Act 1958 and the relevant Court fee is paid. The learned counsel for the plaintiff on the point of valuation and payment of the Court fee for the purpose of pecuniary jurisdiction has placed reliance upon the following decisions:

- 1. 2023 SCC Online Del 7013, Pankaj Ravjibhai Patel Trading v. SSS Pharamachem Pvt. Ltd.**
- 2. AIR 2016 DELHI 186, Soni Dave v. Trans Asian Industries Expositions Pvt. Ltd.**
- 3. MANU/KA/0046/2023 Bengaluru Blues**

Entertainment India Private Limited vs. One Ikigali Edutech Private Limited and others.

4. (2019) 5 KCCR 989, Fine Footwear Private Limited vs. Skechers, USA Inc. & Another.

5. O.S.No.822 of 2024 order dated 05.02.2025, GLAS Trust Company LLC v. Think & Learn Pvt. Ltd.

6. 2021 SCC Online AP 3964, Blue Nile Developers Private Ltd v. Movva Chandra Sekhar.

7. 2022 SCC Online Del 2995, Raj Kumar Gupta vs. Jagan Nath Bajaj.

8. Com.A.A.No.254/2024, order dated 04.01.2025, M/s. Shriram Properties Limited vs. Gardencity Reality Private Limited and others.

I have gone through the above decisions and the observations made therein. Upon following the same and taking into consideration the nature of reliefs sought by the plaintiff and the valuation of the reliefs by the plaintiff I am of the considered opinion that at this stage it would be just and proper to dispense with the office objections and proceed with the suit holding that this Court has pecuniary jurisdiction to entertain the plaint. Accordingly I pass the following:

ORDER

Office objections as to pecuniary jurisdiction stands **dispensed**.

LXXXV ACC & SJ, B'LURU.

Along with the plaint the plaintiff has filed I.A.No.2 under Sec.151 of CPC seeking dispensation of production of original documents namely documents Nos.2 to 7 and 10. The plaintiff has also undertaken to produce the said documents within four weeks. Considering the submissions made by the plaintiff it would be just and proper to dispense production of the original documents at this stage and accordingly ***I.A.No.2 is allowed with liberty to the plaintiff to produce the originals of document Nos.2 to 7 and 10 in the course of the proceedings.***

AD-INTERIM ORDERS

Along with the plaint the plaintiff has filed I.A.Nos. 1, 3 and 4. I.A.No.1 is filed under Sec.12A of the Commercial Courts Act 2015 seeking dispensation of PIM proceedings under Sec.12A(1)of the Commercial Court Act 2015 and under I.A.Nos.3 and 4 for an ad-interim order of temporary injunction restraining the defendants from alienating or creating charge in any manner over the schedule property and also to restrain the defendants from interfering with the schedule property. The plaintiff had entered into a registered JDA and GPA with the defendants dated 17.03.2022 towards development of the schedule property. Subsequently there has been certain litigation concerning the schedule property because of which the plaintiff has not been able to undertake the development work. When such being the situation the

defendant on 29.11.2021 has abruptly issued a notice informing the plaintiff about revocation and termination of the registered JDA and GPA dated 17.03.2022. The notice does not contemplate in details as to why there is termination of the registered JDA and GPA. No specific acts have been attributed to the plaintiff prompting termination of registered JDA and GPA. On the other hand the notice appears to be cryptic. From 2022 till 2025 no action is initiated by the defendants against the plaintiff pursuant to the acts required to be done by the plaintiff under the registered JDA and GPA for any alleged inaction on part of the plaintiff. Therefore under such circumstances prima facie it is to be construed that the notice terminating and revoking the registered JDA and GPA is not well substantiated and therefore plaintiff does make out a prima facie case for grant of ad-interim injunction as prayed as issuance of notice to the defendants who are 12 in number would only delay and defeat the very purpose of the suit.

In so far as dispensation of PIM proceedings the Hon'ble Apex Court in the decisions reported in **(2022) 10 SCC 1 Patil Automation Private Limited and Ors. vs. Rakheja Engineers Private Limited** and **2025 SCC Online SC 1129 M/S Dhanbad Fuels Private Limited vs Union Of India and another** has observed that Pre Institution Mediation proceedings are not an empty formality but has got substantive importance and

dispensation of PIM proceedings is permitted only when urgent reliefs are claimed. In the present case though the registered JDA and POA are executed in the year 2022 after three years the defendants have resorted to termination and cancellation of the same without according relevant reasons. Therefore in the light of the injunctive reliefs sought and if the defendant proceed to deal with the schedule property it would prejudice and defeat the interest of the plaintiff under the said registered JDA and GPA the termination and cancellation of which is challenged in this proceedings. Hence considering the prevailing facts and circumstances I am of the opinion that the plaintiff has made out a justifiable cause for dispensation of the PIM proceedings as contemplated under Sec.12A (1) of Commercial Courts Act 2015. Accordingly I proceed to pass the following:

ORDER

I.A.No.1 filed by the plaintiff under Sec.12A of Commercial Courts Act 2015 is ***allowed.***

Recourse to PIM proceedings as contemplated under Sec.12A of Commercial Courts Act 2015 ***stands dispensed.***

By way of an ad-interim order the defendants, their representative, successors, agents, GPA holder or any persons claiming under them are hereby restrained from encumbering, alienating or creating any charge over the schedule property as described in schedule to

Com.O.S.1691/2025

the plaint and the application and are also hereby restrained from interfering or inter-meddling with the schedule property in any manner.

Plaintiff shall comply with the mandatory requirements of Order XXXIX Rule 3A of CPC.

Upon report of compliance office is directed to issue notice of ad-interim orders, notice of I.A.Nos.3 and 4 and suit summons to all the defendants through Court and speed post if needful is done ***returnable by 09.01.2026.***

LXXXV ACC & SJ, B'LURU.