

The learned counsel for the plaintiff has filed a memo praying the court to return the file to CCH – 69 for further proceedings, as the matter in dispute is not a commercial dispute as per the provisions of the Commercial Courts Act, 2015.

I have gone through the materials available on record.

The plaintiff has filed the suit on 14.11.2017 for recovery of Rs.15,00,000/- along with interest at 18% per annum from the date of suit till the date of realization and for recovery of Rs.7,87,500/- being the interest at 18% per annum from 15.12.2014 to 14.11.2017.

The plaint averments indicate that the suit loan transaction is a business loan. In view of Sec.19 of Act No.28 of 2018 i.e. Commercial Courts Amendment Act, 2018 the specified value in case of a Commercial dispute has been fixed at Rs.3,00,000/- on and from 03.05.2018. Where as this suit was filed on 14.11.2017. As on the date of filing of suit the specified value of Commercial dispute was Rs.1,00,00,000/-. Hence, the suit is not covered by Act No.28 of 2018.

In the circumstances of the case it is clear that this court gets no jurisdiction to adjudicate upon the matter in dispute as the same does not fall within the definition of 'Commercial dispute'. Hence, the following:

ORDER

The memo filed by the plaintiff is accepted.

The office is directed to place the records before the Hon'ble Prl. City Civil & Sessions Judge, Bengaluru on or before 20.03.2021 for necessary orders regarding return of the case to CCH-69.

LXXXIX ACC& SJ, Bengaluru.
(10.03.2021)