

The learned counsel for the defendants has filed an application U/sec. 151 of CPC praying the court to return the file to CCH – 65 for further proceedings, as the matter in dispute is not a commercial dispute as per the provisions of the Commercial Courts Act, 2015.

The learned counsel for the plaintiff has submitted that he has no objections to allow the application and return their file to CCH-65.

I have heard the learned counsel for the plaintiff and defendants and perused the materials available on record.

The plaint averments indicate that the plaintiff has filed the suit against the defendants for the relief of specific performance of agreement of sale dated 17.04.2010 in respect of suit schedule residential property. The plaintiff has valued the suit relief at Rs.9,00,000/- and has paid a Court fee of Rs.56,625/-.

The materials available on record show that the dispute is with respect to the specific performance of agreement of sale dated 17.04.2010 in respect of suit schedule property. The said dispute does not qualify to be a dispute as defined U/Sec 2(1)(c)(i) to (xxii) of the Commercial Courts Act.2015.

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 application filed U/sec. 151 of CPC by the defendants is allowed.

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-65.

LXXXIX ACC& SJ, Bengaluru.
(04.03.2021)