

Com.O.S.3833/2015

The advocate for the plaintiff and defendant No.2 are present.

The advocate for the plaintiff submits that he has already filed a memo on 26.03.2021 stating that the subject matter of the suit does not come under the provisions of commercial dispute and hence this court has no jurisdiction to entertain the suit.

The advocate for the defendant No.2 submits no objections to the memo.

Defendant No.1 and his counsel are absent.

As per Sec.6 of the Commercial Courts Act, 2015, the commercial court shall have jurisdiction to try all suits and applications relating to a commercial dispute of a specified value.

The specified value of the subject matter of the Commercial Dispute in a suit shall be determined as per Sec.12 of the Commercial Courts Act, 2015 and

the specified value in relation to commercial dispute as per Sec.2(i) of the said Act shall mean the value of the subject matter in respect of the suit shall not be less than 3,00,000/- or such higher value as may be notified by the Central Government.

The Commercial Courts Act, 2015 came to be amended by Act No.28 of 2018 and came into force on 3rd day of May 2018. As per Sec.19 of the Act No.28 of 2018, the provisions of the amended Act shall apply only to cases relating to Commercial Dispute filed on or after the date of commencement of the Act. In other words the amended Act is prospective in nature.

The suit has been instituted on 25.04.2015 and the suit is for permanent injunction (i.e., the specified value of the subject matter of the suit is below rupees one crore) and hence this court has no jurisdiction to entertain the suit.

Office is hereby directed to place the entire records before the Hon'ble Prl. City Civil and Sessions Judge, Bengaluru for necessary action.

The parties to the suit are hereby directed to appear before the transferee court on 15.04.2021.

LXXXVI ACC & SJ, Bengaluru.