

Though this case is set down for Hearing on IA No.I & II on the plaintiff side. Perused the case papers, found that the plaintiff has filed instant suit against the defendant for recovery of Rs.4,85,389/- with interest at the rate of 24% per annum from the date of the suit till its realization, on the ground that he has supplied the goods amount worth of Rs.3 Lakhs to the defendant, so he got issued a legal notice, but he did not replied to the notice nor paid the due amount. Now the defendant is due an amount of Rs.4,85,389/- with interest at the rate of 24%. Thereby the plaintiff has filed the instant suit against the defendant.

Thus this court drawn its attention on Sec.3 of Commercial Courts Act, 2015 which reads like this:

3. (1) The State Government, may after consultation with the concerned High Court, by notification, constitute such number of Commercial Courts at District level, as it may deem necessary for the purpose of exercising the jurisdiction and powers conferred on those Courts under this Act:

2[Provided that with respect to the High Courts having ordinary original civil jurisdiction, the State Government may, after consultation with the concerned High Court, by notification, constitute Commercial Courts at the District Judge level:

Provided further that with respect to a territory over which the High Courts have ordinary original civil jurisdiction, the

State Government may, by notification, specify such pecuniary value which shall not be less than three lakh rupees and not more than the pecuniary jurisdiction exercisable by the District Courts, as it may consider necessary.]

3[(1A) Notwithstanding anything contained in this Act, the State Government may, after consultation with the concerned High Court, by notification, specify such pecuniary value which shall not be less than three lakh rupees or such higher value, for whole or part of the State, as it may consider necessary.]

(2) The State Government shall, after consultation with the concerned High Court specify, by notification, the local limits of the area to which the jurisdiction of a Commercial Court shall extend and may, from time to time, increase, reduce or alter such limits.

(3) The 4[State Government may], with the concurrence of the Chief Justice of the High Court appoint one or more persons having experience in dealing with commercial disputes to be the Judge or Judges, of a 5[Commercial Court either at the level of District Judge or a court below the level of a District Judge].

The above provision is very much clear that the State Government after consultation with the High Court by notification specified the pecuniary jurisdiction of the Commercial Courts shall not be less than Rs.3,00,000/- or such higher value by virtue of amendment of Commercial Courts Act 2018 i.e. from 03.05.2018 prior to the said amendment the pecuniary

jurisdiction of Commercial Court is of Rs.1 Crore and above. So in the instant suit the plaintiff has claimed an amount of Rs.4,85,389/- with interest at the rate of 24% per annum and the plaintiff has filed the instant suit prior to amendment of Commercial Courts Act 2018 i.e., on 24.02.2018. So the amount which claimed is less than Rs.1 Crore, as this suit has been filed prior to amendment of Commercial Courts Act 2018.

Therefore, it is just and necessary to direct the office to place this file before the Hon'ble Prl. City Civil & Sessions Judge, Bengaluru for appropriate orders to transfer this case to the original court. Hence, I proceed to pass the following;

ORDER

Office is hereby directed to place this file before Hon'ble Prl. City Civil & Sessions Judge, Bengaluru for appropriate orders to return the same to the original court, since the present suit do not fall within the pecuniary jurisdiction of this Court as the instant suit has been filed prior to the amendment of Commercial Courts Act 2018.

For await orders from the Hon'ble Prl. City Civil & Sessions Judge, Bengaluru by 22.04.2021.

(P.J. Somashekara)
LXXXVIII Addl. City Civil & Sessions Judge,
(Exclusive Commercial Court),
Bengaluru City.