



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 16TH DAY OF OCTOBER, 2025
PRESENT
THE HON'BLE MRS. JUSTICE ANU SIVARAMAN
AND
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
COMMERCIAL APPEAL NO. 302 OF 2022 (MON)

BETWEEN:

SRI. M.VENKATESH
AGED ABOUT 53 YEARS
S/O LATE S MUNIRATHNAM
AT NO.64/1, 3RD FLOOR
S M PLAZA, DVG ROAD
BASAVANAGUDI
BENGALURU - 560 004.

...APPELLANT

(BY SRI. RAKSHITHA D. J., ADVOCATE)

AND:

1. DR. A. RAMA REDDY
AGED ABOUT 47 YEARS
FATHER'S NAME NOT KNOWN
AT NO.479, 13TH MAIN ROAD
3RD BLOCK, KORAMANGALA
BENGALURU-560 045.
2. M/S PIONIER LAKE DEW RESIDENCY
REPRESENTED BY ITS DIRECTOR
DR. A. RAMA REDDY
AT SY. NO.61 AND 71





GATTAHALLI HOBLI
ANEKAL TALUK
BENGALURU-560 099.

3. M/S PIONIER DEVELOPERS
A LIMITED COMPANY
REPRESENTED BY ITS DIRECTOR
DR. A RAMA REDDY
AT NO.28, 2ND FLOOR
100 FEET ROAD
KORAMANGALA
BENGALURU - 560 034.

...RESPONDENTS

(BY SRI. V. B. SHIVA KUMAR, ADVOCATE)

THIS APPEAL IS FILED UNDER SECTION 13 (1-A) OF THE COMMERCIAL COURTS ACT, 2015, PRAYING TO A) CALL FOR THE RECORDS IN COM.O.S.NO.258/2020 ON THE FILE OF LXXXV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU (CCH-86) (COMMERCIAL COURT) DATED 06/11/2021 AND SET ASIDE THE ORDER OF DISMISSAL OF COMMERCIAL SUIT IN COM.O.S.NO.258/2020 DATED 06/11/2021 BY ALLOWING THIS APPEAL CONSEQUENTLY DECREETING THE SUIT IN COM.O.S.NO.258/2020 WITH COSTS THROUGH OUT.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL



ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

Heard the learned counsel appearing on either side.

2. It is submitted by the learned counsel appearing for the appellant that the suit has been dismissed without considering the fact that no final bill had been raised and that the contract has not been terminated.

3. Learned counsel appearing for the respondents submits that the respondents/defendants had been set *ex-parte* and that, if a short time is granted to file written statement before the Court below, he has no objection to the matter being remanded.

4. Learned counsel appearing for the appellant has no objection to the said course of action.

5. We notice that the suit was one filed during Covid-19 pandemic and therefore, there would be some justification for non-appearance and non-filing of counter affidavit in time by the respondents herein.



6. In the above view of the matter, we are of the opinion that one more opportunity can be granted to the respondents herein to place their contentions before the Court below.

7. In the above view of the matter, the judgment under appeal is set aside. The matter is remanded to the trial Court for a fresh consideration. The parties shall mark their appearance before the Court below on 03.11.2025, without awaiting further notice. The respondents shall file their written statement on that date or within a period of one week thereafter, failing which, they lose the right to file their written statement.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**