



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 27TH DAY OF FEBRUARY, 2026
PRESENT
THE HON'BLE MRS. JUSTICE ANU SIVARAMAN
AND
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
COMMERCIAL APPEAL NO.86/2023

BETWEEN:

M/S. LAKSHMI NIRMAN (BANGALORE) PVT LTD
NO.15, SRIKANTAN LAYOUT
HIGH GROUNDS, BANGALORE - 560001
REP. BY ITS MANAGING DIRECTOR
SRI. G.R. SURESH
S/O RANGARAJAN.



...APPELLANT

(BY SRI. B. VACHAN, ADV.,)

AND:

1. M/S. BENNETT PROPERTY HOLDINGS COMPANY LTD.,
(A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE INDIAN COMPANIES ACT, 1956)
HAVING ITS CORPORATE OFFICE AT
NO.110/37 AND 258
"SOLITAIRE", CHINNAPPANAHALLI
KRISHNARAJAPURAM HOBLI
BANGALORE - 560037
REP. BY ITS AUTHORISED SIGNATORY AND CEO
MR. VENKATESH VYAIDANATHAN.
2. SRI. VENKATESH VYAIDNATHAN
AUTHORISED SIGNATORY
M/S. BENNETT PROPERTY HOLDINGS COMPANY LTD.,
(A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE INDIAN COMPANIES ACT 1956),
HAVING ITS CORPORATE OFFICE AT
NO.110/37 AND 258



NC: 2026:KHC:12446-DB
COMAP No.86/2023

"SOLITAIRE", CHINNAPPANAHALLI
KRISHNARAJAPURAM HOBLI
BANGALORE - 560037.

...RESPONDENTS

(BY SRI. AMOGHA R. SHARMA, ADV., FOR
SRI. RAJESWARA P.N. ADV., FOR R1 & R2)

THIS COMAP/COMMERCIAL APPEAL IS FILED UNDER SECTION 13 (1A) OF THE COMMERCIAL COURTS ACT, 2015 R/W ORDER XLIII RULE 1 (R) AND SECTION 104 OF THE CPC, PRAYING TO CALL FOR RECORDS IN COM.A.P. NO.25/2023 AND SET ASIDE THE ORDER DATED 14.02.2023 PASSED BY THE COURT OF LXXXIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, COMMERCIAL COURT NO. 90, AT BENGALURU IN COM.A.P. NO.25/2023 TO THE EXTENT THAT A DIRECTION HAS BEEN MADE TO DEPOSIT THE PRINCIPAL AMOUNT OF RS.32,17,738/- AS A CONDITION PRESENT FOR GRANTING THE STAY OF OPERATION OF AWARD DATED 16.11.2022. IN ADDITION TO ORDER FOR SUCH OTHER RELIEFS AS THIS HON'BLE COURT DEEMS FIT IN VIEW OF THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

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 MR. JUSTICE VIJAYKUMAR A. PATIL)

The appeal is filed challenging the order dated 14.02.2023 passed in Com.A.P.No.25/2023 by the LXXXIX Additional City Civil and Sessions Judge, Bengaluru (for short, '***the Commercial Court***') to the extent that a direction has been issued to deposit the principal amount of Rs.32,17,738/- as a condition precedent for granting the stay of operation of award dated 16.11.2022.

2. Sri.B.Vachan, learned counsel appearing for the appellant, at the outset, submits that the Commercial Court has heard the matter on merits and now matter is posted for further arguments on 12.03.2026. It is submitted that if the interim order granted by this Court is continued till the disposal of the proceedings before the Commercial Court, the ends of justice would be met. Hence, he seeks to pass appropriate orders in this appeal.



3. Per contra, Sri.Amogha R.Sharma, learned counsel for Sri.Rajeswara P.N., learned counsel for the respondents submits that appropriate orders may be passed in this appeal so that he can argue the matter on merits before the Commercial Court.

4. His submission is placed on record.

5. We have heard arguments on both side and perused the material on record.

6. It is to be noticed that the appellant herein has filed Com.A.P.No.25/2023 before the Commercial Court, Bengaluru, seeking to allow the claim petition filed by the petitioner and to reject the counter claim of the respondents along with an application seeking for stay of the operation of the arbitral award dated 16.11.2022.

7. The Commercial Court under the impugned order stayed the arbitral award with a condition of payment of Rs.32,17,738/-. The appeal is filed against the



imposition of said condition in the aforesaid order. It is to be noted that this Court vide order dated 28.07.2023, allowed I.A.No.3/2023 filed by the appellant in the present appeal and passed the following:

"ORDER ON I.A.No.3/2023

This application is filed seeking modification of the interim order dated 19.04.2023, permitting the appellant to furnish bank guarantee for a sum of Rs.15,00,000/-, in lieu of depositing Rs.15,00,000/- as directed by this Court.

Heard learned counsel for the appellant.

The appellant filed COMAP No.86/2023 challenging the direction issued by LXXXIX Additional City Civil and Sessions Judge (CCH-90), Bengaluru in Com.A.P. No.25/2023 by order dated 14.02.2023, whereunder, a direction has been issued to the appellant to deposit the principal amount of Rs.32,17,738/- as a condition precedent for granting stay of operation of the order dated 16.11.2022.

On an application filed seeking stay of the said order dated 14.02.2023, this Court had directed the appellant to deposit a sum of Rs.15,00,000/- and subject to deposit, stayed the operation of the order dated 14.02.2023.

The appellant has sought modification of the said order stating that instead of depositing a sum of Rs.15,00,000/, they will furnish the bank guarantee in a sum of Rs.15,00,000/-.



In the affidavit filed in support of the application, it is stated that the bank guarantee is identical to depositing the cash, as held by the Hon'ble Apex Court.

Considering the said aspect, the interim order dated 19.04.2023 directing the appellant to deposit Rs.15,00,000/- as a condition for stay of the order challenged can be modified as prayed, permitting the appellant to furnish the bank guarantee for a sum of Rs.15,00,000/-. In the result, the following;

ORDER

- (i) The application in I.A.No.3/2023 is **allowed**.*
- (ii) The interim order dated 19.04.2023 directing the appellant to deposit a sum of Rs.15,00,000/- is modified and the appellant is directed to furnish the bank guarantee for a sum of Rs.15,00,000/- which shall be valid for a period of one year and if the appeal is not decided within that period, the said bank guarantee has to be extended further by six months and so on, till the disposal of the appeal."*

8. It is not in dispute that the aforesaid order is in force till this day and now the matter is posted before the Commercial Court for final hearing on 12.03.2026. We are of the considered view that no purpose would be served to record our finding with regard to the correctness of the impugned order in this appeal. The interest of justice



would be met if we continue the interim order dated 28.07.2023 till the disposal of the Com.A.P.No.25/2023 by the Commercial Court.

9. Learned counsel for the appellant undertakes that he will ensure that the bank guarantee will be in force till the disposal of Com.A.P.No.25/2023 by the Commercial Court.

10. Submission is placed on record.

11. Hence, the following:

ORDER

- i. Appeal is ***disposed of.***
- ii. The interim order dated 28.07.2023 passed in this appeal is continued till the disposal of the Com.A.P.No.25/2023 by the Commercial Court.
- iii. The undertaking of the learned counsel for the appellant that he will ensure that the bank guarantee will be in force till the



disposal of Com.A.P.No.25/2023 by the
Commercial Court is placed on record.

It is made clear that this Court has not
expressed any opinion on the merits of the
case.

No order as to costs.

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

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

BSR
List No.: 1 Sl No.: 2