



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 31ST DAY OF OCTOBER, 2025
PRESENT
THE HON'BLE MRS. JUSTICE ANU SIVARAMAN
AND
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
COMMERCIAL APPEAL NO.171 OF 2023

BETWEEN:

1. MR. SRINIVAS RAJA
S/O MR. KRISHNAPPA HARISH RAJA
AGED ABOUT 28 YEARS
2. MRS. N. S. VIJAYA LAKSHMI
D/O MR. SRINIVASAIAH
AGED ABOUT 58 YEARS

BOTH R/A NO.53, EMPIRE TOWER
RAILWAY PARALLEL ROAD
KUMARA PARK WEST
BENGALURU-560 020.

...APPELLANTS

(BY SRI. VIKHAR AHMED B., ADVOCATE)

AND:

MRS. BELLULLI SUNITHA
D/O MR. MAHESHANANDA
MAGNAHALLI CHANDRASHEKARAPPA
R/A NO.12/3
GROUND FLOOR
KRISHNA ENCLAVE

Digitally signed
by
CHANNEGOWDA
PREMA

Location: High
Court of
Karnataka



NEHRU NAGAR
SESHADRIPURAM
BENGALURU-560 020.

...RESPONDENT

(BY SRI. DHRUVA KUMAR K. N., ADVOCATE FOR
SRI. UNNIKRISHNAN M., ADV. FOR C/R)

THIS COMAP IS FILED UNDER SECTION 13 (1A) OF THE
COMMERCIAL COURTS ACT, PRAYING TO (A) CALL FOR
RECORDS IN COM.O.S. NO.943 OF 2021 IN THE FILE OF THE
LXXXVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE,
BENGALURU. AND (B) TO SET ASIDE THE JUDGMENT DATED
02.03.2023 PASSED BY THE LXXXVII ADDITIONAL CITY CIVIL
AND SESSIONS JUDGE, BENGALURU IN COM.O.S.NO.943 OF
2021.

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)

This appeal is filed challenging the judgment and decree dated 02.03.2023 passed by the LXXXVII Additional City Civil and Sessions Judge, (Exclusive Dedicated Commercial Court) at Bengaluru, (CCH-88), in Com.O.S.No.943/2021.

2. Sri. Vikhar Ahmed B., learned counsel appearing for the appellants and Sri. Dhruva Kumar K.N., learned counsel for Sri. Unnikrishnan M., learned counsel appearing for the Caveator- respondent submit that matter is settled between the parties before the Mediation Centre and they have entered into a memorandum of settlement.

3. We have perused the memorandum of settlement and the same is accepted.

4. The terms of the memorandum of settlement are extracted herein for ready reference;

"1. The Appellants have filed the above appeal challenging the order dated 02.03.2023 passed by the LXXXVII Addl. City Civil and Sessions Judge, Bengaluru, passed in Commercial O.S.No.943/2021 decreeing the suit for a



sum of Rs.16,50,000/-(Rupees Sixteen Lakhs Fifty Thousand Only) with interest @ 18% from 23.01.2021.

II. The aforesaid appeal was referred to mediation for exploring possibilities of resolving the dispute between the parties. During the course of mediation, the Appellants along with their advocates and the respondent in person were present, identified each other and have resolved their disputes and have agreed on the following terms and conditions:

1. That the Appellants have agreed settle with the Respondent by paying a sum of Rs.9,25,000/- (Rupees Nine Lakhs Twenty Five Thousand only) towards full and final settlement of all disputes and difference amongst them. The said amount is being paid in the following manner:

- a) A sum of Rs.8,25,000/- (Rupees Eight Lakhs Twenty Five Thousand Only) has been deposited by the Appellants before the Hon'ble High Court on 04.07.2023 vide Demand Draft bearing number 527104 dated 27.06.2023 drawn on RBL Bank shall be paid to the Respondent. Both parties pray that the Hon'ble Court may be pleased to direct the release of the deposited amount by the Appellants in favour of the Respondent herein.*
- b) A sum of Rs.1,14,910/- (Rupees One Lakh Fourteen Thousand Nine Hundred Ten Only) has been paid by the Appellants towards the court fees for preferring the present appeal vide Demand Draft bearing number 245823 dated 25.05.2023 drawn on Canara Bank. In light of the settlement arrived between the*



parties, it is prayed that the Hon'ble Court may direct to refund of the entire court fees in favour of the Appellants herein.

- c) Upon the receipt of the court fees refunded, the Appellants undertake to pay the Respondent a sum of Rs.1,00,000/-(Rupees One Lakh Only) within a period of two weeks of the said refund being made. Thus in total Rs.9,25,000/-(Rupees Nine Lakhs Twenty Five Thousand only) paid towards full and final settlement.*
- d) The parties have agreed that with the resolution of their disputes amicably all the pending proceedings against each other will be withdrawn by both parties.*

2. In view of the settlement arrived amongst the parties, all disputes, claims, allegations amongst the parties stand settled and the parties confirm that they have no claims against each other. The parties assure that they have no issues with each other upon the execution of the Settlement Agreement.

III. In view of the aforesaid agreement entered into between the parties, the parties pray that this Hon'ble High Court be pleased to record the terms of the settlement as set out above and pass appropriate orders disposing off the above appeal in terms of this agreement.

IV. In view of the aforesaid agreement the court fee paid by the Appellants may be directed to be refunded to them.



V. Parties shall appear before the Hon'ble High Court for passing necessary orders in terms of the agreement whenever the matter is listed before the Hon'ble Court."

5. Learned counsel appearing for the appellants seeks for a direction to refund the amount in deposit before this Court to the respondent.

6. Sri Vikhar Ahmed B., learned counsel appearing for the appellants submits that the appellants have no objection whatsoever to refund Rs.1 lakh to the respondent out of the Court fee, which he is entitled to receive and the balance amount to be paid to the appellants.

7. In view of the aforesaid submission, we direct the Registry to release the aforesaid amount in deposit i.e., Rs.8,25,000/- as stated in favour of the respondent and also Rs.1 lakh, out of the Court fee paid by the appellants to the respondent and the balance amount in the Court fee shall be refunded to appellant No.1 on proper identification.

8. With the aforesaid undertaking, Registry shall draw decree in terms of the memorandum of settlement and refund



the eligible Court fee in favour of the appellants after following the procedure.

9. Accordingly, the appeal is ***disposed of*** in terms of the memorandum of settlement arrived at between the parties.

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

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

PN
List No.: 3 Sl No.: 1