



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 15TH DAY OF OCTOBER, 2025
PRESENT
THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE C.M. POONACHA
COMMERCIAL APPEAL NO. 165 OF 2024

BETWEEN:

PIRAMAL CAPITAL AND HOUSING
FINANCE LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 2013.
HAVING ITS REGISTERED OFFICE AT
PIRAMAL TOWER, PENINSULA
CORPORATE PARK,
GANPATRAO KADAM MARG,
LOWER PAREL- 400013
REP. BY AUTHORISED SIGNATORY
MR. ABHIMANYU RANA.

...APPELLANT

(BY SRI. UDAYA HOLLA, SR. ADV. A/W
SRI AVINASH BALAKRISHNA, ADV.)

AND:

1. M/S. ATRIA BRINDVAN POWER PRIVATE LIMITED
A COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
NO.11, 1ST FLOOR, COMMISSARIAT ROAD
BANGALORE- 560025
2. MR. CHINNASWAMY SUNDER RAJU
S/O LATE SHRI A S CHINNASWAMY RAJU
AGED ABOUT 66 YEARS
RESIDING AT No. 294,



UPPER PALACE ORCHARDS,
BANGALORE- 560080.

3. MR. K NAGARAJU
S/O LATE SHRI KUPPARAJU
AGED ABOUT 64 YEARS
R/AT NO.158, 2ND MAIN,
1ST BLOCK, DOLLARS COLONY,
RMV 2ND STAGE, ASHWATH NAGAR
BANGALORE- 560094.
4. RAJU FAMILY TRUST
HAVING REGISTERED OFFICE AT NO.1,
PALACE ROAD, BANGALORE -560001
REPRESENTED BY TRUSTEE
MR. CHINNASWAMY SUNDER RAJU.
5. BABOON INVESTMENTS HOLDING B.V.
OUDE LINDESTAT 70
HEERLEN 6411, EJ
THE NETHERLANDS.
6. OMKARA ASSET RECONSTRUCTION
PRIVATE LIMITED
ACTING AS TRUSTEE OF OMKARA
PS28/2023-2024/TRUST
C-515, KANAKIA ZILLION,
JUNCTION OF LBS ROAD AND CST ROAD,
KURLA WEST, MUMBAI -400070.
7. AXIS TRUSTEESHIP SERVICES LIMITED
AXIS HOUSE BOMBAY DYING
MILLS COMPOUND
PANDURANG BUDHKAR
MARG WORLI, MUMBAI -400025.

...RESPONDENTS

(BY SRI.C.K. NANDAKUMAR, SR. ADV. A/W
MS. ASHWINI PATIL, ADV. &
SRI AJAY J NANDALIKE, ADV. FOR R1 TO 4
MS. TAMARRA SEQUERIA, ADV. FOR R5
SRI SRINIVASAN V RAGHAVAN, SR. ADV. FOR
A/W SRI VINAY KUTTAPPA, ADV. FOR R6
SRI T SURYANARAYANA, SR. ADV. FOR
SRI SHARAN B. TADAHAL, ADV. FOR R7)



THE APPEAL IS FILED UNDER SECTION 43 RULE 1 OF THE CPC, 1908 READ WITH SECTION 13(1-A) OF THE COMMERCIAL COURTS ACT, 2015 PRAYING TO SET ASIDE ORDER DATED 25.04.2024 PASSED ON IA II AND III IN COM.O.S.298 OF 2024 PASSED BY LD. LXXXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (CCH-83), BENGALURU; GRANT COSTS OF THE PROCEEDINGS AND PASS SUCH ORDERS AS THIS COURT MAY DEEM FIT AND PROPER IN THE FACTS AND CIRCUMSTANCES OF THE PRESENT CASE.

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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant [defendant No.1] has filed the present appeal under order 43 Rule 1 of Code of Civil Procedure, 1908 [**CPC**] read with Section 13(1-A) of the Commercial Courts Act, 2015 [**the CC Act**] impugning the order dated 25.04.2024 [**impugned order**] passed by the learned LXXXII Additional City Civil and Sessions Judge, Bengaluru (CCH.83) [**Commercial Court**] in I.A.No.II and I.A.No.III in Com.OS.No.298/2024.

2. For the reasons stated in the order passed today in COMAP.No.209/2024, the present appeal is allowed and the impugned order is set aside.



3. Pending applications, if any stand disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

NC
CT:bms
List No.: 1 SI No.: 0