



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 19374 OF 2021 (GM-CPC)

BETWEEN:

H.D. UDAYSHANKARA SASTRY
S/O LATE H.V. DATTATREYA SASTRY
AGED ABOUT 71 YEARS,
R/O NO. 156-156-1506,
'DATTA ARCADE', PARK EXTENSION
SHIVAMOGGA CITY - 577 201.

REPRESENTED BY SPECIAL POWER
OF ATTORNEY HOLDER
SUNIL SASTRY H.U.
S/O H.D. UDAYSHANKARA SASTRY,
AGED ABOUT 38 YEARS,
NO.56, 1ST CROSS, 2ND STAGE
VINOBHANAGARA,
SHIVAMOGGA - 577 204.

...PETITIONER

(BY SRI. P.N. HARISH, ADVOCATE)

AND:

M/S. FAB ICON FACADE SYSTEMS
PRIVATE LIMITED,
NO.6, PATTANAGERE VILLAGE,
KENGARI HOBLI,
BENGALURU - 560 060.





REPRESENTED BY ITS AUTHORIZED
REPRESENTATIVE
M.R. GYNANENDRA SINGH.

...RESPONDENT

(BY SRI. SAKAT BISANI, ADVOCATE (ABSENT))

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDERS DATED 08.10.2021 ON PRELIMINARY ISSUE AND ALSO ON I.A.NO.3 PASSED BY COURT OF LEARNED XI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY IN O.S.NO.566/2018 AS PER ANNEXURES-D AND THEREBY HOLD THAT THE LEARNED XI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY HAS NO JURISDICTION TO TRY THE SUIT IN O.S.NO.5661/2018 AND ORDER TO RETURN THE PLAINT TO BE PRESENTED BEFORE THE APPROPRIATE COURT HAVING JURISDICTION AS PRAYED IN I.A.NO.1 FILED BY THE PETITIONER UNDER ORDER 7 RULE 10 OF CPC AS PER ANNEXURE-B AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

1. This petition is filed challenging the order dated 08.10.2021 passed on I.A.Nos.1 and 3 in O.S.No.5661/2018 by XI Additional City Civil and Sessions Judge, Bengaluru.

2. Sri.P.N.Harish, learned counsel appearing for the petitioner submits that the petitioner has filed I.A.No.1 seeking to return the plaint on the ground that the Court has no territorial jurisdiction and no cause of action has arisen in the territorial jurisdiction of the Court. It is submitted that the plaintiff has filed an application in I.A.No.3 to transfer the suit to the Commercial Court and the Trial Court under the impugned order dismissed I.A.No.1 and allowed I.A.No.3 and transferred the suit to the Commercial Court. It is submitted that the respondent's suit for recovery of money is filed in Bengaluru, however, the petitioner - defendant is residing at Shivamogga and the entire cause of action to file a suit



for recovery of money arose in Shivamogga. Hence, the application is filed praying to return the plaint to enable the plaintiff to re-present before the jurisdictional Court. It is submitted that the Trial Court under the impugned order incorrectly recorded the finding that part of cause of action arose within its jurisdiction. Hence, he seeks to allow the petition.

3. There was no representation for the respondent - plaintiff on 19.09.2025, 12.03.2026 and on the present day as well.

4. I have heard the arguments and perused the material on record.

5. The respondent filed O.S.No.5661/2018 for recovery of money before the Principal City Civil Judge, Bengaluru. In the said suit, the petitioner filed I.A.No.1 under Order VII Rule 10 of Code of Civil Procedure, 1908 seeking to return the plaint to be presented to the Court, before which the suit should have been instituted. The said



application was opposed by the plaintiff. The plaintiff also filed an application in I.A.No.3 to transfer the suit to the Commercial Court. The Trial Court under the impugned order rejected the I.A.1 for return of the plaint and allowed I.A.No.3 to transfer the suit to the Commercial Court, Bengaluru. The affidavit accompanying I.A.No.1 indicates that the defendant is contending that the Bengaluru Court has no jurisdiction to try the suit as no cause of action has arisen. It is not in dispute that the defendant - petitioner herein is residing in Shivamogga, the work in question was carried out at Shivamogga, the plaintiff company is situated in Bengaluru. The Trial Court has recorded the reason that the plaintiff has produced invoice which shows that they have arisen in Bengaluru and it is not in dispute that the defendant has made part payment in Bengaluru.

6. Learned counsel for the petitioner has pointed out that the invoices were sent through email and the money



was transferred through R.T.G.S from Shivamogga to the respondent.

7. On perusal of the plaint at Paragraph 17, cause of action to file the suit is shown as on 06.12.2017, when the plaintiff completed the work in the site and later dates of cause of action were shown for raising invoices on 22.02.2018. It is to be noticed that the defendant is residing at Shivamogga, the work in question was carried out at Shivamogga and payments were also made from the Bank Accounts of the petitioner to the bank accounts of the respondent from Shivamogga to Bengaluru. In my considered view, there is no cause of action that has arisen to institute the suit at Bengaluru.

8. For the aforementioned reasons, I.A.No.1 is *allowed*. The Trial Court is directed to return the plaint to the plaintiff to present before the appropriate Court and the time to present the plaint is granted upto 30 days from the date of receipt of copy of order. In view of the aforesaid order, order on I.A.No.3 is *set-aside*. Liberty is reserved



to the plaintiff to file such application or present the plaint before the Commercial Court having the territorial jurisdiction.

9. Accordingly, the petition is ***disposed of***.

10. Registry shall communicate this order to the respondent.

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

GH
List No.: 1 Sl No.: 19