



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.31582 OF 2025 (GM-CPC)

BETWEEN:

1. SATCHMO HOLDINGS LTD.
(EARLIER KNOWN AS NEL HOLDINGS SOUTH LTD.)
A COMPANY INCORPORATED UNDER
THE PROVISIONS OF THE COMPANIES ACT,
HAVING ITS REGISTERED OFFICE AT:
#110, A WING, ANDREWS BUILDING,
BENGALURU – 560 001
REPRESENTED BY ITS
AUTHORISED SIGNATORY,
SRI. JAGANATHAN S.
2. SRI. NITESH SHETTY
AGED ABOUT 47 YEARS,
S/O MR. P.V. SHETTY,
MANAGING DIRECTOR,
NEL HOLDINGS SOUTH LTD.,
(NOW KNOWN AS SATCHMO HOLDINGS LTD.)
#110, 'A' WING, ANDREWS BUILDING,
BENGALURU-560 001.

...PETITIONERS

(BY SRI. S.S.NAGANAND, SENIOR COUNSEL APPEARING FOR
SRI. NAGESH MORO, ADVOCATE
SMT. MADHUVANTI J. PRABHATH,
SRI. SIDDHARTH SRIKANTH,
SRI. PUPUL DATTA, ADVOCATES)

AND:

SRI MEWARAM R SHAH
SINCE DECEASED NOW
REPRESENTED HEREIN BY LRS

1. SMT. KAMALA DEVI
AGED ABOUT 68 YEARS,
RESIDING AT #4/9,



JAMUNA NIVAS,
CRESCENT ROAD,
HIGH GROUNDS,
BENGALURU-560 001.

2. SMT. MANJU PRAKASH
AGED ABOUT 50 YEARS,
RESIDING AT 113/114,
PAL LINK ROAD,
SHYAM NAGAR,
JODHPUR-342 003.
3. SMT. LALITADEVI GAUTAMCHAND DARIWAL,
AGED ABOUT 48 YEARS,
RESIDING AT RUSHIKA APARTMENT,
SHAHIBAUG,
AHMEDABAD-380 004.
4. SMT. SARITA,
AGED ABOUT 46 YEARS,
RESIDING AT FLAT NO.202,
'SAI APARTMENTS',
SURVEYOR STREET,
BASAVANAGUDI,
BENGALURU – 560 004.
5. SMT. DEEPA RAHUL,
AGED ABOUT 44 YEARS,
RESIDING AT NO.5,
'KANCHAN KRUPA', SERPENTINE ROAD,
KUMARA PARK WEST,
BENGALURU -560 020.
6. SRI. SURAJMAL MALOO,
S/O SRI RAMLALJI
AGED ABOUT 63 YEARS
7. SRI. PREM KUMAR,
S/O SURAJ MALOO,
AGED ABOUT 37 YEARS
8. SRI. MOOLCHAND MALOO,
S/O MEWARAM R SHAH
AGED ABOUT 34 YEARS



9. SRI. BHARATH KUMAR,
S/O MEWARAM R SHAH
AGED ABOUT 34 YEARS

R- 6 TO R-9 ARE RESIDING AT
'SURAJ TEXTILE AGENCY',
NO.16/17, 3RD FLOOR,
SHARMA COMPLEX, CHIKPET,
BENGALURU-560 053.

10. SRI. KUKKAJE RAMAKRISHNA BHAT,
SOLE ARBITRATOR
DISTRICT AND SESSIONS JUDGE (RETD.)
NO.116/5-1, 2ND FLOOR, 11TH CROSS,
NEXT TO UNION BANK
MALLESWARAM
BENGALURU - 560 003.

...RESPONDENTS

(BY SRI. S.M.CHANDRASHEKAR, SENIOR COUNSEL APPEARING FOR
SRI. BRIJESH PATIL, ADVOCATE FOR R-1 TO R-9
VIDE ORDER DATED 17.10.2025 NOTICE TO R-10 D/W)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION
OF INDIA PRAYING TO CALL FOR RECORDS IN COM.A.P.NO.4/2023
PENDING BEFORE THE X ADDITIONAL DISTRICT AND SESSIONS JUDGE
(DESIGNATED COMMERCIAL COURT), BENGALURU RURAL DISTRICT,
BENGALURU AND TO SET ASIDE THE IMPUGNED ORDER DATED
10.09.2025 PASSED BY THE X ADDITIONAL DISTRICT AND SESSIONS
JUDGE (DESIGNATED COMMERCIAL COURT), BENGALURU RURAL
DISTRICT, BENGALURU, ON I.A.NO.V IN COM.A.P.NO.4/2023 (ANNEXURE
-F) AND CONSEQUENTLY ALLOW THE SAID APPLICATION.

THIS PETITION, COMING ON FOR *FURTHER HEARING*, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR



ORAL ORDER

This petition by the petitioners in Com.A.P.No.4/2023 on the file of the X Addl. District & Sessions Judge (Designated Commercial Court), Bengaluru Rural District, Bengaluru, is directed against the impugned order dated 10.09.2025 passed by the Commercial Court whereby the application-I.A.No.V filed by the petitioners under Section 34(2) of the Arbitration and Conciliation Act, 1996 (for short, 'the said Act of 1996') read with Order 6 Rule 17 CPC and Rule 4(b) of the Karnataka High Court Rules (Proceedings before the Courts), 2001 seeking leave to incorporate additional grounds by adding paragraph 46A was rejected by the Commercial Court.

2. Heard learned Senior Counsel for the petitioners and learned Senior Counsel for respondent Nos.1 to 9 and perused the material on record.

3. A perusal of the material on record will indicate that the respondents were claimants in A.C.No.97/2019 before the Arbitral Tribunal comprising of the Sole Arbitrator, which was contested by the petitioners herein, who were arrayed as the respondents and who had also put-forth a counter claim in the said arbitration



proceedings. By way of an Award dated 30.01.2023, the Arbitral Tribunal partly allowed the claim of the claimants and rejected the counter claim of the petitioners by holding as under:

"AWARD

The Claim Petition is allowed in part as follows and the Counter Claims of the Respondents are rejected:

- 1. It is declared that the JDA and GPA dated 11.08.2005 entered into between the Claimant and the Respondent are and stand cancelled;*
- 2. The Respondents are directed to hand over the title deeds of the schedule properties to the Claimants;*
- 3. The Respondents are directed to hand over vacant possession of the schedule properties to the Claimants;*
- 4. The Respondents are directed to pay compensation and penalty collectively at the rate of Rs.2 lakhs per month from December 2012 to August 2016, interest on the same from 1st September 2016 to 02-07-2019, the date of filing the claim petition and if it is not paid within period of three months from the date of this award, the sum of the compensation and penalty awarded shall carry interest at 15% per annum from 3rd July 2019 till recovery of the entire amount; and*



5. Both the parties shall bear their own costs of the litigation.

6. The stamp duty is payable as per Karnataka Stamp Act.”

4. Aggrieved by the Arbitral Award partly allowing the claim of the claimants and rejecting the counter claim of the petitioners, they filed the aforesaid Com.A.P.No.4/2023 which is pending before the Commercial Court. After completion of arguments, the petitioners filed the instant application – I.A.No.V seeking incorporation of additional grounds by way of paragraph 46A after paragraph 46 to the petition, as hereunder:

“It is submitted that subsequent to the initiation of the arbitration proceedings and the present challenge thereto, the appropriate governmental authorities have commenced the formation of a road which traverses through the Schedule Property, effectively dividing the same into two portions. It is submitted that the village map clearly indicates the existence of a ‘Cart Road’ passing through the Schedule Property, and the said pathway is now being developed into a formal motorable road by the authorities. The said development materially alters the character and continuity of the Schedule Property and has a direct bearing on the issues under consideration in the present proceedings. Copy of the Village map and photographs reflecting the same are produced herewith as DOCUMENT NO. 1.”



5. The said application having been opposed by the respondents, the Commercial Court proceeded to pass the impugned order dated 10.09.2025 rejecting I.A.No.V, aggrieved by which the petitioners are before this Court by way of the present petition.

6. During pendency of the present petition, the petitioners have filed an application-I.A.1/2026 seeking permission to amend the petition by challenging the subsequent order of the Commercial Court dated 26.09.2025. The said order dated 26.09.2025 reads as under:

"ORDER

IA-7 filed by the petitioner under section 151 of CPC seeking permission to submit further arguments is hereby allowed in part.

Both the parties are directed to submit their written arguments and necessary documents , if any , on or before 10.10.2025.

Call for judgement by 23.10.2025."

7. Along with I.A.1/2026, the petitioners have filed additional documents comprising of Court orders including orders passed by the Trial Court and this Court. I.A.1/2026 has been



opposed by the respondents, who have filed statement of objections to the said application.

8. A perusal of the impugned order will indicate that the Commercial Court has come to the conclusion that the petitioners were guilty of unnecessarily protracting the proceedings and thereby no indulgence can be shown in favour of the petitioners by permitting them to amend the petition by incorporating paragraph No.46A, that too after completion of final arguments. However, in this context, it is pertinent to note that though the Commercial Court comes to the conclusion that the amendment is not permissible in law, the Commercial Court at para No.13 of the impugned order, holds as under:

“13. Even for the sake of arguments, it is taken that the alleged development being taken by the appropriate government or concerned authorities is relevant, it is to be noted that even in the absence of pleadings the petitioners can bring it to the notice of this court by way of documents and oral arguments and this court can consider the same as required under law while appreciating the case on merits. Admittedly, the petitioners have already dwell upon these points while submitting their arguments on merits. Therefore, no purpose will be served even if the application is allowed. Hence this court does not, at this stage, find any



merits in the application filed by the petitioners and hence same is liable to be rejected. Accordingly, above Point No.1 is answered in Negative and proceed to pass the following:

ORDER

The IA No. V filed by the Petitioners under Section 34(2) of the Arbitration and Conciliation Act r/w Order 6 Rule 17 of CPC r/w Rule 4(b) of Hon'ble High Court of Karnataka Rules is hereby is rejected subject to observations made in Para No.13."

9. As can be seen from the said findings recorded by the Commercial Court in the impugned order, the Commercial Court has reserved liberty in favour of the petitioners to urge all contentions at the time of final arguments and the Commercial Court has proceeded to reject the application. It follows therefrom that the Commercial Court has not expressed any opinion on the merits / demerits of the rival contentions on the proposed amendment and liberty is reserved in favour of both parties to urge all their contentions in this regard. Under these circumstances, it cannot be said that any prejudice or hardship would be caused to the petitioners, if the impugned order is confirmed by reserving liberty in favour of both parties to urge all their rival contentions including the contentions urged in the proposed amendment at the



time of final disposal of the proceedings before Commercial Court. Accordingly, I am of the view that the impugned order passed by the Commercial Court does not warrant interference by this Court and I deem it just and appropriate to dispose of this petition by issuing necessary directions in this regard.

10. Insofar as I.A.No.1/2026 is concerned, as stated supra since the documents produced by the petitioners along with I.A.1/2026 are public documents comprising of Court orders of the Trial Court and this Court, which have already been taken on record by the Commercial Court, nothing further survives in I.A.No.1/2026, which accordingly is disposed of.

11. In the result, I pass the following:

ORDER

(i) The petition is hereby disposed of without interfering with the impugned order.

(ii) Liberty is reserved in favour of both parties to put-forth all their respective contentions including contentions relating to the proposed amendment before the Commercial



Court and no opinion is expressed on the merits / demerits of the rival contentions.

(iii) In view of disposal of the present petition, I.A.1/2026 filed in the present petition does not survive for consideration and the same is accordingly disposed of.

(iv) The Commercial Court before whom Com.A.P.No.4/2023 is said to be posted on **28.04.2026** is directed to dispose of the main petition after hearing both sides **on or before 30.06.2026**.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE