

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2021

PRESENT

THE HON'BLE Mr. JUSTICE ARAVIND KUMAR

AND

THE HON'BLE Mr. JUSTICE PRADEEP SINGH YERUR

COMMERCIAL APPEAL No.124 OF 2021

BETWEEN:

M/S.SRI VISHNU AROMA
POUCHING PRIVATE LIMITED
SY.NO.423, PAULI 13, 14 AND 23
MAHAGUJARAT ESTATE
SARKHEJ BAVLA
HIGHWAY MORIYA SANAND
AHMADABAD - 382 213
REP. BY MR.SRIKANT BOTHRA

... APPELLANT

(BY SRI PRASHANT F.GOUDER, ADVOCATE)

AND:

M/S.SRI VINAYAKA SUPARI TRADERS
ARECA NUT MERCHANTS
H-3, APMC YARD
SHIVAMOGGA - 577 204

... RESPONDENT

THIS APPEAL IS FILED UNDER SECTION 13 (1-A) OF THE
COMMERCIAL COURT ACT, 2015 READ WITH SECTION 115 OF
THE CODE OF CIVIL PROCEDURE 1908 PRAYING TO SET ASIDE
THE ORDER DATED 11.02.2021 PASSED IN COMMERCIAL
O.S.NO.36/2020 ON I.ANO.3 BY II ADDITIONAL DISTRICT AND
SESSIONS JUDGE AT SHIVAMOGGA AND ETC.

THIS APPEAL COMING ON FOR ADMISSION THIS DAY,
ARAVIND KUMAR J., DELIVERED THE FOLLOWING:

J U D G M E N T

Defendant in Commercial suit in O.S.No.36/2020 had filed an application-IA.No.3 under Order VII Rule 11(d) of CPC seeking for rejection of the plaint and having been unsuccessful before trial Court has filed this appeal under Section 13(1-A) of Commercial Court Act, 2015 challenging the order dated 11.02.2021 passed on IA.No.3.

2. Learned counsel for appellant prays for leave of Court to withdraw this appeal and to revive his request before this court to refer the matter for mediation. His submission is placed on record.

3. In the event of such a request or prayer being made for referring the dispute for mediation, same may be considered by the jurisdictional Court in accordance with law. We make it clear that we have not expressed any opinion with regard to merits of the case.

Subject to aforesaid observations, appeal is ***dismissed*** as withdrawn.

In view of commercial appeal having been dismissed, IA.No.1/2021 for stay does not survive for consideration and it stands rejected.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

LB