

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2021

PRESENT

THE HON'BLE MR. ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

COMAP. NO.54 OF 2021

BETWEEN

M/S NITESH RESIDENCY HOTELS PRIVATE LIMITED
A COMPANY REGISTERED UNDER
COMPANIES ACT, 1956 AND HAVING
ITS REGISTERED OFFICE AT NO.25/A
2ND FLOOR, CUNNINGHAM ROAD
BANGALORE-560 052
REP BY ITS GENERAL MANAGER -LITIGATION
MR. K.B.SWAMY

... APPELLANT

(BY SRI.CHANDRASHEKAR.S, ADVOCATE OF HOLLA & HOLLA-PH)

AND:

1. M/S ETA ENGINEERING PRIVATE LIMITED
A COMPANY REGISTERED UNDER
COMPANIES ACT, 1956 AND HAVING
ITS REGISTERED OFFICE AT 'ETA HOUSE'
B36, 4TH CROSS, DYAVASANDRA INDUSTRIAL AREA
BANGALORE-560 048

2. HON'BLE SRI.V.JAGANNATHAN
FORMER JUDGE, HIGH COURT OF KARNATAKA
SRI. RANGA NIVAS, NO.221
JUDICIAL LAYOUT, II PHASE, 7TH MAIN
THALAGHATTAPURA, KANAKAPURA ROAD
BANGALORE-560 062

... RESPONDENTS

(BY SRI. ABHINAY.V, ADVOCATE OF INDUS LAW FOR C/R1)

THIS COMAP. IS FILED UNDER SECTION 13(1A) OF THE
COMMERCIAL COURTS ACT, 2015 READ WITH SECTION 37 OF THE
ARBITRATION AND CONCILIATION ACT, 1996 PRAYING TO CALL FOR
RECORDS IN COM.A.P.NO.13/2020 ON THE FILE OF THE COURT OF THE

LXXXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU CITY (CCH NO.83) AND ETC.

THIS COMAP COMING ON FOR ADMISSION THIS DAY, CHIEF JUSTICE MADE THE FOLLOWING:

JUDGMENT

As the commercial Appeal under Section 13 of the Commercial Courts Act, 2015 is not maintainable, the learned counsel appearing for the appellant has submitted a memo signed by the appellant .

In view of what is stated in the memo, the appeal is disposed of as withdrawn with liberty to the appellant to challenge the impugned order in accordance with law.

The pending interlocutory application does not survive and is accordingly disposed of.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

In