

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2021

BEFORE

THE HON'BLE MR.JUSTICE ARAVIND KUMAR

AND

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

COMMERCIAL APPEAL NO.130/2021

BETWEEN:

M/S PURVA METAL SECTION (P) LTD
HEAD OFFICE AT NO.193 SHIVA SADAN
4TH FLOOR, OPPOSITE TO NCC APARTMENT
OUTER RING ROAD, B. NARAYANPURA
BENGALURU

FACTORY AT SY NO 26/1, 26/2
CHICKAKUNTHURU VILLAGE
SY NO.52,53, KODAGINA BELE VILLAGE
MALLUR - BANGARPET ROAD
ARALERI POST MALUR TALUK - 563 130
REPRESENTED BY DIRECTOR
SHIVAKUMAR PURVA
AGED ABOUT 64 YEARS
REPRESENTED BY P.A HOLDER
SRI. RAKESH KUMAR SINHA

...APPELLANT

(BY SRI. HARIKRISHNA S HOLLA, ADVOCATE)

AND:

1. M/S BHARAT STRUCTURALS
NO.174/1, 1ST FLOOR
K.S. GARDEN, LALBAGH ROAD
4TH CROSS BANGALORE - 560 027
REPRESENTED BY ONE OF ITS PARTNER
MR. AKSHAY AGARWAL.

ALSO AT NO.31/2, KANAKAPURA
MAIN ROAD, TALAGATTAPURA
VILLAGE, UTTARAHALLI HOBLI
BANGALORE - 560 062.

2. MR. AKSHAY AGARWAL
PARTNER OF M/S BHARAT
STRUCTURALS, NO.174/1
1ST FLOOR, K.S. GARDEN
LALBAGH ROAD, 4TH CROSS
BANGALORE - 560 027.
3. MR. RAJESH KUMAR AGARWAL
PARTNER OF M/S BHARAT
STRUCTURALS, NO.174/1
1ST FLOOR, K.S. GARDEN
LALBAGH ROAD, 4TH CROSS
BANGALORE - 560 027.

...RESPONDENTS

THIS COMMERCIAL APPEAL IS FILED UNDER SECTION 13(1A) OF THE COMMERCIAL COURT ACT 2015 READ WITH ORDER XLIII RULE 1 (R) AND SECTION 104 OF THE CPC PRAYING TO SET ASIDE THE ORDER DATED 16.03.2021 AND REMIT BACK THE MATTER TO XVIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU FOR ADJUDICATION OF ISSUES FRAMED IN O.S.NO.1045/2019 AND AWARD COSTS OF THIS APPEAL.

THIS COMMERCIAL APPEAL COMING ON FOR ORDERS THIS DAY, **ARAVIND KUMAR J.**, DELIVERED THE FOLLOWING:

JUDGMENT

Learned counsel appearing for appellant has filed a memo for withdrawal of the appeal. Said memo is placed on record. Accordingly, appeal stands dismissed as withdrawn.

**SD/-
JUDGE**

**SD/-
JUDGE**

DR