

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF OCTOBER 2025

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

COMMERCIAL APPEAL NO. 355 OF 2024

BETWEEN

1 . M/S ORIENTAL KITCHEN,
A PARTNERSHIP FIRM,
NO 1099/833-1, SECOND FLOOR (HAO CHI),
SAI DURGA ENCLAVE,
OUTER RING ROAD,
OPP SALARPURIA SOFTZONE,
BANGALORE – 560 103.
REP.BY IT'S PARTNERS

1. SMT. LALITHESHWARI SHINDE,
W/O SRI ABHILASH DAMODARAN,

2. SRI RAHUL SHARMA,
S/O SRI ASHOK SHARMA,

2 . SMT. LALITHESHWARI SHINDE,
W/O SRI ABHILASH DAMODARAN,

PARTNER,
M/S ORIENTAL KITCHEN,
R/AT NO 25,
2ND CROSS,
RMV EXTENSION, 2ND STAGE,
ASHWATH NAGAR,
BANGALORE – 560 094.

...PETITIONER/S

(By Sri./Smt : CHANNABASAPPA S. N., HONNAPPA S., AND
RAKESH B. C., ADVOCATES)

AND

1 . SMT. PAPRI RAY,
W/O SRI SUMIT KUMAR RAY,
AGED ABOUT 53 YEARS,
RESIDING AT VILLA NO 45/2,
FERNS HABITAT LAYOUT,
OUTER RING ROAD,
DODDANEKUNDI,
BENGALURU – 560 037.

2 . SRI SUMIT KUMAR RAY,
S/O SRI SUMIT KUMAR RAY,
AGED ABOUT 62 YEARS,
RESIDING AT VILLA NO 45/2,
FERNS HABITAT LAYOUT,
OUTER RING ROAD,
DODDANEKUNDI,
BENGALURU – 560 037.

...RESPONDENT/S

The Advocate for the appellant has filed the above COMAP/Commercial Appeal under Section 13(1A) of the Commercial Courts Act, 2015 read with Order XLIII of the CPC, 1908, praying that this Hon ble Court may be pleased to:

(a) Call for the records in Commercial Original Suit No.1826/2022 on the file of LXXXVI Additional City Civil and Sessions Judge, Bengaluru (CCH-84) (Commercial Court).

(b) Set aside judgment dated 02.08.2023 and decree dated 23.08.2023, passed in Com. O.S. No. 1826/2022 on the file of the LXXXVI Additional City Civil and Sessions Judge, Bangalore (CCH-87) (Commercial Court) and remand the matter for Trial.

c) Award cost of this proceedings.

d) Pass such other orders/reliefs as deemed fit in the circumstances of the case, in the interest of justice and equity.

This Commercial Appeal coming on for Orders, this day the Court made the following Order.

ORAL ORDER

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

The matter is listed for non-compliance of the office objections.

There is no representation for the appellant.

To show one indulgence, a week's time is granted to comply with the office objections, failing which the appeal shall stand rejected without further orders from the Court.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

NOTE : Vide Court Order dated 23.10.2025, the office objections are not complied with. Hence, the appeal is hereby rejected.

COPY

Sd/-
ASSISTANT REGISTRAR

T By : SR
R By : VS
C By : GS

Ty dt : 22.11.2025
C.dt : 24.11.2025