



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

COMMERCIAL APPEAL NO. 99 OF 2026

BETWEEN:

1. UNION BANK OF INDIA
ERSTWHILE CORPORATION BANK
HAVING THEIR BRANCH AT ATTIBELE
ANKAL TALUK, BANGALORE - 562 107
REPRESENTD BY SENIOR MANAGER
SRI RAVI RANJAN

...APPELLANT

(BY SRI SHASHANK SRIDHAR, ADVOCATE FOR
SMT. LAKSHMI K., ADVOCATE)

AND:

1. SMT. P. SHASHIREKHA
D/O LATE PILLAPPA
AGED 28 YEARS

SRI PILLAPPA
SINCE DEAD BY LR AND WIFE
- 2(a) SMT. DHANALAKSHMI
AGED ABOUT 54 YEARS





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BOTH ARE RESIDING AT NO.708
KOTE STREET, ATTIBELE
ATTIBELE HOBLI, ANKAL TALUK
BENGALURU - 562 107

3. SRI V. DEVARAJ
S/O VEMANNA
AGED ABOUT 57 YEARS
VEMANNA NILAYA
SHAKAMBARI LAYOUT
ATTIBELE, ANKAL TALUK
BENGALURU - 562 107

...RESPONDENTS

THIS COMMERCIAL APPEAL IS FILED UNDER SECTION 13 (1-A) OF COMMERCIAL COURTS ACT, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 21.08.2025 PASSED IN COM.MISC NO.9/2023 AT ANNEXURE-B ON THE FILE OF XI ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BANGALORE, CONSEQUENTIALLY RESTORE THE PETITION IN COM MISC. NO.9/2023 TO ITS ORIGINAL POSITION AND REMAND THE MATTER FOR FRESH DISPOSAL IN ACCORDANCE WITH LAW IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant-Bank has filed the present appeal impugning the order dated 21.08.2025 passed by the XI Additional District and Sessions Judge (Dedicated Commercial Court), Bengaluru Rural District, Bengaluru [**Commercial Court**] in Com. Misc. Petition No.9/2023.

2. The appellant had filed the said petition under Order IX Rule 9 of the Code of Civil Procedure, 1908 [**CPC**] praying for setting aside the order dated 12.04.2018 passed in O.S.No.984/2014. The appellant had filed the said suit for recovery of an amount of ₹5,50,003/-, which comprised the principal amount of ₹3,94,271/- and interest from 10.09.2013 to 31.05.2014, amounting to ₹1,55,732/-.

3. A plain reading of the order sheets, which are placed on record, indicate that there was an inordinate delay on the part of



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the appellant in pursuing the said suit. Although the said suit was filed on 18.09.2014, the order sheets indicate that the appellant took an inordinately long time to effect service on the defendants. During the course of the proceedings, defendant No.2 expired on 20.11.2015. Thereafter, the appellant Bank did not take expeditious steps to bring the legal representatives on record. Finally, on 12.02.2018, the learned Senior Civil Judge and JMFC, Anekal, posted the suit for recording the appellant's evidence on 12.04.2018. On the next date as well, that is on 12.04.2018, no one was present on behalf of the appellant. Accordingly, the suit was dismissed for non-prosecution on the said date, that is, on 12.04.2018.

4. The appellant did not take any immediate steps for the recall of this order. The appellant claimed that it had applied for a copy of the order dated 12.04.2018 on 01.12.2018 and obtained a copy of the same on 21.02.2019. The said application was filed after an inordinate delay of 285 days. The only ground set out for the delay was that the Manager had a heavy workload and therefore, was unable to approach his advocate to get a certified copy to file the miscellaneous petition.



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5. The learned Commercial Court found that there were no grounds preventing the appellant from filing the application within the stipulated time. Accordingly, the application was dismissed by the impugned order.

6. In terms of Section 13(1A) of the Commercial Courts Act, 2015, the period of limitation for filing the present appeal is 60 days from the date of the impugned order. The appellant has filed the present appeal after a delay of 109 days, incorrectly stated as 87 days. The impugned order was passed on 21.08.2025 and the present appeal has been filed on 17.02.2026, which is after a period of 180 days. After deducting a period of 60 days available for filing the present appeal, it is clear that the delay in filing the appeal is 120 days. The appellant had filed the appeal numbered as a Miscellaneous First Appeal on 28.11.2025, which was dismissed as non-maintainable on 09.12.2025. The period between 28.11.2025 and 09.12.2025 is required to be reduced from the period of delay, as the appellant was pursuing his remedies. However, even if the said period is reduced, there is a delay of 109 days in filing the present appeal.



7. The appellant claims that it is also entitled to exclude the period of 26 days for obtaining a certified copy of the order dated 09.12.2025, dismissing the Miscellaneous First Appeal preferred by the appellant. However, this period cannot be excluded as the order dated 09.12.2025 is not under challenge.

8. The appellant has filed an application seeking condonation of delay in filing the present appeal. A plain reading of the said application indicates that there is no explanation whatsoever for the delay in filing the present appeal. The period of 60 days in filing an appeal expired on 20.10.2025. However, the appellant had taken no steps to challenge the impugned order within the said period. The appellant filed its Miscellaneous First Appeal [MFA No. 9019/2025] on 28.11.2025, after a delay of about 38 days. The application seeking condonation of delay neither refers to the said delay nor offers any explanation for the same. The appellant contends that the Miscellaneous First Appeal was dismissed as non-maintainable on 09.12.2025 in view of the Circular No.R(J) 65C/2017 dated 30.10.2017, which provides that a commercial appeal would be maintainable before the Division Bench of this



Court. The appellant applied for a certified copy of the said order on 07.01.2026, which was delivered on 03.02.2026. He submits that on account of the pressure of work, the panel advocate had not filed an application for a certified copy of the order dated 09.12.2025 within time. Apart from this explanation, there is no other explanation for the delay. Since there is no explanation for not filing the present appeal within the stipulated time, we are unable to accept the appellant was prevented by sufficient cause from filing the appeal within the stipulated period.

9. In **Government of Maharashtra v. M/s Borse Brothers Engineers & Contractors Pvt. Ltd.**¹, the Supreme Court has observed as under:

"55. Reading the Arbitration Act and the Commercial Courts Act as a whole, it is clear that when Section 37 of the Arbitration Act is read with either Article 116 or 117 of the Limitation Act or Section 13(1-A) of the Commercial Courts Act, the object and context provided by the aforesaid statutes, read as a whole, is the speedy disposal of appeals filed under Section 37 of the Arbitration Act. To read Section 5 of the Limitation Act consistently with the aforesaid object, it is necessary to discover as to what the expression "sufficient cause" means in the context of condoning delay in filing appeals under Section 37 of the Arbitration Act.

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¹ (2021) 6 SCC 460



58. Given the object sought to be achieved under both the Arbitration Act and the Commercial Courts Act, that is, the speedy resolution of disputes, the expression “sufficient cause” is not elastic enough to cover long delays beyond the period provided by the appeal provision itself. Besides, the expression “sufficient cause” is not itself a loose panacea for the ill of pressing negligent and stale claims....

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63. Given the aforesaid and the object of speedy disposal sought to be achieved both under the Arbitration Act and the Commercial Courts Act, for appeals filed under Section 37 of the Arbitration Act that are governed by Articles 116 and 117 of the Limitation Act or Section 13(1-A) of the Commercial Courts Act, a delay beyond 90 days, 30 days or 60 days, respectively, is to be condoned by way of exception and not by way of rule. In a fit case in which a party has otherwise acted bona fide and not in a negligent manner, a short delay beyond such period can, in the discretion of the court, be condoned, always bearing in mind that the other side of the picture is that the opposite party may have acquired both in equity and justice, what may now be lost by the first party's inaction, negligence or laches."

10. Thus, a short delay may be condoned if there are grounds to explain the same. However, in the present case, no explanation whatsoever has been offered for the initial 38-day delay in filing the appeal (which was erroneously filed as MFA, and the cumulative delay exceeds a period that could be considered a short delay.



11. The application for condonation of delay is, accordingly, dismissed. Consequently, the appeal is dismissed as well.

12. All pending applications are also disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(C.M. POONACHA)
JUDGE

KPS,Vmb
List No.: 2 Sl No.: 23