



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 17<sup>TH</sup> DAY OF AUGUST, 2023**  
**PRESENT**  
**THE HON'BLE MR JUSTICE G.NARENDAR**  
**AND**  
**THE HON'BLE MR JUSTICE VIJAYKUMAR A. PATIL**  
**COMMERCIAL APPEAL NO. 292 OF 2023**

**BETWEEN:**

SRI.B.S. SUBRAMANYA GOWDA,  
S/O LATE SRI B.E. SUBBE GOWDA,  
AGED ABOUT 65 YEARS,  
COFFEE GROWER,  
R/O BELT ROAD, 2<sup>ND</sup> CROSS,  
CHICKAMAGALURU  
PINCODE- 577101

...APPELLANT

(BY SRI. B R SRINIVASA GOWDA., ADVOCATE)

**AND:**

1. MR. ABDUL KHADER  
S/O MR. ISMAIL,  
AGED ABOUT 55 YEARS,  
COFFEE PLANTER,  
PROP: TASLEEMA TRADERS,  
KADBAGERE, KHANDAYA HOBLI,  
CHICKAMAGALUR TALUK AND DISTRICT,  
SANGAMESHWARPET POST,  
PINCODE- 577136

ALSO R/AT MR. ABDUL KHADER  
S/O ISMAIL  
R/O BESIDE BHARAT PETROLEUM  
MALLANDUR ROAD,





1<sup>ST</sup> CROSS, UPPALLI,  
CHICKMAGALURU CITY-577 101.

2. AL MADANI COFFEE CURERS,  
KSSIDC INDUSTRIAL AREA,  
K M ROAD, JYOTHINAGAR POST,  
CHICKMAGALUR - 577102.

...RESPONDENTS

THIS COMAP IS FILED UNDER SECTION 13(1)A OF THE COMMERCIAL COURT ACT, 2015 R/W ORDER XLIII RULE 1 OF CPC, PRAYING TO CALL FOR THE RECORDS AND SET ASIDE THE IMPUGNED ORDER ON I.A.NOS. 5 AND 7 IN COM.O.S.NO.21/2022 PASSED BY THE LEARNED COURT OF THE DISTRICT AND SESSIONS COURT AT CHICKMAGALUR, DATED 27/02/2023 AND ALLOW THE APPLICATION I.A.NOS. 5 AND 7 FILED IN COM.O.S.NO.21/2022 BY ALLOWING THIS COMMERCIAL APPEAL.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, VIJAYKUMAR A PATIL, J., DELIVERED THE FOLLOWING:

**ORDER**

Learned counsel for the appellant has filed a memo seeking leave of this Court to withdraw the instant appeal.

The memo is taken on record.

The memo reads as under:

*"The Undersigned Advocate Submits as under:*

*The Appellant prays this Hon'ble Court that in the above said Appeal may be dismissed as withdrawn as it is barred under Section 8 of the Commercial Court Act. Hence the memo may be considered for the kind perusal*



*and consideration of this Hon'ble Court in the interest of  
Justice and Equity.*

*Date: 17/08/23  
Bengaluru*

*Hemalatha B.V  
Advocate for Appellant"*

Accordingly, the commercial appeal is dismissed as  
withdrawn.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**

YKL  
List No.: 1 Sl No.: 21