HC-KAR



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 27TH DAY OF JUNE, 2025**

**BEFORE**

**THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

**WRIT PETITION NO. 18105 OF 2024 (GM-CPC)**

**BETWEEN:**

ZILLION INFRAPROJECTS PRIVATE LIMITED
REGISTERED UNDER THE PROVISION
OF COMPANIES ACT, 1956
5TH FLOOR, ANUSHKA SHOPPING MALL
PLOT NO.2, GARG TRADE CENTRE
SECTOR-11, ROHINI, NEW DELHI – 110 085
THROUGH ITS RESOLUTION PROFESSIONAL
MR. HARISH TANEJA.

...PETITIONER

(BY SRI C.K.NANDAKUMAR, SENIOR ADVOCATE FOR
SRI RICAB CHAND K., ADVOCATE)

**AND:**

TENOVA TECHNOLOGIES PRIVATE LIMITED
REGISTERED UNDER THE PROVISION
OF COMPANIES ACT, 1956
BRIGADE SOFTWARE PARK NO.42, 27TH CROSS
2ND STAGE, BANASHANKARI
BENGALURU – 560 070
THROUGH ITS DIRECTOR.

...RESPONDENT

(BY SRI C.P.AYYAPPA, ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INIDA PRAYING TO SET ASIDE THE ORDER DTD. 31.05.2024 PASSED BY THE HONBLE LXXXII ADDL CITY CIVIL AND SESSION JUDGE BANGALORE CITY (CCH 83) IN I.A. NO.1 OF 2024 IN COM O.S. PETITION NO. 27279 OF 2009 (ANNX-Q).

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: **HON'BLE MR JUSTICE M.NAGAPRASANNA**

**ORAL ORDER**

The petitioner - defendant in Commercial O.S.No.27279 of 2009 is at the doors of this Court calling in question an order passed on 31-05-2024 on IA No. 1 of 2024, whereby the application filed by the respondent-plaintiff is allowed, permitting filing of additional written statement by the plaintiff.

2. Heard Sri C K Nandakumar, learned senior counsel appearing for petitioner and Sri C P Ayyappa, learned counsel appearing for respondent.

3. The *lis* between the two has a checkered history, begins in the year 2009 and lands up in a CIRP process after the parties are before the National Company Law Tribunal ('NCLT' for short). Before the concerned Court, the defendant filed its counter claim. The matter reaches this Court and the counter claim was permitted to be continued and not the plaint in terms of the proceedings pending before the NCLT. The issue is not on the merit of the matter.

4. Now, in the light of the fact that the plaintiff's suit was not permitted and the defendant's counter claim was permitted to be tried, the plaintiff files an application seeking a new plea to be incorporated in the plaint by way of additional written statement. The concerned Court allows the application and permits raising of a new plea by way of additional written statement, at the stage when the matter was set for arguments of the case. At that juncture, the defendant before the concerned Court, is before this Court, calling in question the said order, permitting filing of additional written statement in the counter claim. The submissions are made by both the counsels with regard to the merit of the matter.

5. In the light of the controversy being with regard to raising of a new plea or additional written statement in the counter claim that was permitted to be tried by this Court and that being objected to by the petitioner and the matter being at the stage of arguments, I deem it appropriate to dispose the petition, reserving liberty to the respondent-plaintiff to urge all the contentions that he is wanting to draw into as additional written statement before the concerned Court, as the matter before the concerned Court is at the stage of arguments. It is needless to observe that such arguments are advanced by the plaintiff before the concerned Court taking cue from the plaint that is filed or the additional written statement that is sought to be preferred before the concerned Court. The concerned court shall answer the same in accordance with law and take the suit to its logical conclusion.

6. Since the matter is of the year 2009, I deem it appropriate to further direct the concerned Court to conclude the proceedings within an outer limit of 3 months from the date of receipt of the copy of the order.

7. As a matter of form, the Writ Petition is ***allowed***. The order dated 31-05-2024 of the concerned Court impugned herein, stands quashed with the aforesaid observations.

**Sd/-**
**(M.NAGAPRASANNA)**
**JUDGE**

BKP
List No.: 1 Sl No.: 71
CT:SS