



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF DECEMBER, 2023

PRESENT

THE HON'BLE MR JUSTICE R. NATARAJ

AND

THE HON'BLE MR JUSTICE K V ARAVIND

COMMERCIAL APPEAL NO.496 OF 2023

BETWEEN:

ANKUSH LAMBA
AGED ABOUT 30 YEARS,
S/O. SUDESH KUMAR LAMBA,
R/AT.HOUSE NO.12,
NEW AMRAPALI COLONY,
PACHPEDI NAKA DHAMTARI ROAD,
RAIPUR, CHHATTISGARH-492001.

...APPELLANT

(BY SRI. SAMMITH. S., ADVOCATE)

AND:

M/S. SORTING HAT TECHNOLOGIES PRIVATE LTD.,
A COMPANY INCORPORATED UNDER THE COMPANIES
ACT, 2013 AND HAVING ITS REGISTERED OFFICE AT
MARUTHI INFOTECH CENTER, 3RD FLOOR, A-BLOCK,
DOMLUR, KORAMANGALA,
INNER RING ROAD,
BANGALORE-560071
REPRESENTED BY AUTHORISED SIGNATORY
HARISH SASIKUMAR

...RESPONDENT

(BY SRI. DHANANJAYA JOSHI, SENIOR COUNSEL FOR
SRI. KASHYAP N.NAIK, ADVOCATE FOR CAVEATOR
RESPONDENT)

THIS COMAP / COMMERCIAL APPEAL IS FILED UNDER
SECTION 13(1A) OF THE COMMERCIAL COURTS ACT, 2015, READ
WITH SECTION 37(1)(B) OF THE ARBITRATION AND CONCILIATION

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Location:
HIGH
COURT OF
KARNATAKA



ACT, 1996, PRAYING TO CALL FOR RECORDS OF ARBITRATION APPLICATION NO.403/2023 ON THE FILE OF THE LEARNED LXXXVIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-89 COMMERCIAL COURT, BENGALURU) AND SET ASIDE THE ORDER DATED 12.10.2023 PASSED BY THE LEARNED LXXXVIII ADDL. CITY CIVIL AND SESSIONS JUDGE, AT BENGALURU (CCH-89) ON THE INTERLOCUTORY APPLICATIONS 1 FILED BY THE RESPONDENT UNDER SECTION 9 OF THE ARBITRATION AND CONCILIATION ACT, 1996 READ WITH 151 OF CPC IN COM.A.A.403/2023, AS CONTAINED IN ANNEXURE A AND ETC.,

THIS APPEAL COMING ON FOR ORDERS THIS DAY,
R. NATARAJ J., DELIVERED THE FOLLOWING:

JUDGMENT

The appellant has challenged an ex-parte interim order passed by LXXXVIII Additional City Civil & Sessions Judge (Commercial Division) Bengaluru in Commercial Arbitration Application No.403/2023 dated 12.10.2023, by which, the appellant was restrained by an order of injunction from publishing, uploading, displaying or telecasting the "Educator content" on YouTube, Telegram channel or any other website including his own YouTube channel "BANKING CHRONICLE" and mobile app "Yes Officer" till the next date of hearing.



2. The appellant contends that the respondent initiated arbitration proceedings before the Commercial Court for resolution of a dispute between the respondent and the appellant and in the said proceedings, the respondent filed an application under Section 9 of the Arbitration and Conciliation Act, 1996 for an interim injunction on the aforesaid terms. He submits that the Trial Court without considering the consequences of an ex-parte interim injunction as sought for, granted the same. He submits that attempts made by him for modification of the interim order proved futile, as regular Court sittings were not happening. He therefore, prays that the impugned order passed by the Trial Court be dissolved.

3. Per contra, the learned senior counsel representing the respondent submits that the parties are governed by the terms of the agreement dated 22.12.2021 which *inter alia*, contained a clause for settlement of dispute through arbitration. He submits that the appellant after entering into a contract and giving



exclusive rights to transmit "educator content" formulated by the appellant, he started publishing, uploading, displaying the "educator content" on his YouTube channel and mobile app and thereby infringed the contractual obligations. He further submits that the appellant may as well go before the Trial Court to seek modification of the impugned order.

4. A perusal of the documents placed on record along with the appeal discloses that an agreement was entered into between the appellant and the respondent, in terms of which, the respondent was authorized/licenced to commercially exploit the "educator content" formulated by the appellant. The dispute between the appellant and the respondent seems to have arisen in view of the appellant publishing, uploading and displaying the content on his YouTube channel and mobile app. Therefore, the respondent was justified in approaching the Commercial Court seeking for resolution of the dispute between the appellant and the respondent. No doubt, the appellant was



entitled to seek modification of the ex-parte order granted by the Trial Court or approach this Court challenging the ex-parte order. However, now that the appellant has filed objections to the application filed by the respondent for interim injunction and since the pleadings before the Trial Court is sufficient to consider the application on merits, we refrain from passing any order on merits. Instead, we deem it appropriate to direct the Trial Court to consider the objections/applications, if any, filed by the appellant for dissolution/modification of the ex-parte interim order granted by the Trial Court, in a time frame.

5. In view of the above, this appeal is ***disposed off*** directing the Trial Court to consider the objections filed by the appellant to the application seeking an *ex-parte* interim order, within a period of one month from the date of receipt of a certified copy of this judgment.

6. The Trial Court shall decide the applications/objections, if any, filed by the appellant seeking modification of the ex-parte interim order,



uninfluenced by any of the observations made in the aforesaid paragraphs. It is needless to mention that the Trial Court shall try to dispose off the applications/objections, if any, filed by the appellant, as early as possible, at any rate, within 30 days from the date of receipt of a copy of this judgment. It is open for the appellant to file appropriate application before the Trial Court for advancement of case and if the appellant moves an application, the Court shall take it up for consideration at the earliest.

Sd/-
JUDGE

Sd/-
JUDGE