



CNR: KAHC010480962026

NC: 2026:KHC:37651-DB
COMAP No. 351 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

COMMERCIAL APPEAL NO.351 OF 2026

BETWEEN:

1. PRIYA INDUSTRIES
REPRESENTED BY ITS PROPRIETOR
MR. RANGAPPA KUMAR,
2. MR. RANGAPPA KUMAR
PROPRIETOR OF PRIYA INDUSTRIES
AGED ABOUT 58 YEARS,

APPELLANT NOS.1 AND 2 ARE
REPRESENTED BY ITS GPA HOLDER
MR. PRASHANTHA .K
S/O. MR. RANGAPPA KUMAR
AGED 31 YEARS,
R/AT NH-13, NEAR MARUTHI CIRCLE,
CHANNAGIRI, DAVANAGERE,
KARNATAKA -577213.

...APPELLANTS

(BY SRI. SAI DEEPAK, SENIOR ADVOCATE FOR
SRI. RAMA RAMACHANDRA IYER, ADVOCATE)

AND:

MR. VISHWANATHA .K
AGED ABOUT 45 YEARS
SOLE PROPRIETOR OF V-TECH ENGINEERS,
KUNTAVALLI VILLAGE,
MELIGE POST, THIRTHAHALLI TALUK,





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SHIVAMOGGA DISTRICT,
KARNATAKA - 577415.

...RESPONDENT

(BY SRI. DHYAN CHINNAPPA, SENIOR ADVOCATE FOR
SRI. SANTOSH KUMAR, ADVOCATE FOR C/RESPONDENT)

THIS COMMERCIAL APPEAL IS FILED UNDER SECTION 13(1A) OF THE COMMERCIAL COURTS ACT, 2015, PRAYING TO SET ASIDE THE ORDER DATED 08.06.2026 PASSED BY THE HON'BLE LXXXII ADDITIONAL CITY CIVIL & SESSIONS JUDGE, BENGALURU, IN COM.O.S.NO.735/2026 HEREIN MARKED AS ANNEXURE-A.

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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

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

1. The appellants have filed the present appeal impugning an order dated 08.06.2026 passed by the LXXXII Additional City Civil and Sessions Judge, Bengaluru [**Commercial Court**] on I.A. No.2 in Com. O.S. No.735/2026.

2. The impugned order is an *ex parte ad interim* order, whereby the learned Commercial Court has restrained the appellants from manufacturing or selling, in any manner, any product that constitutes infringement of the registered Indian Patent



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No.IN259204 till the next date of hearing. The said order was passed in the context of the respondent's allegation that the appellants were infringing the said patent.

3. A plain reading of the said order does not indicate that the patent claims were considered. The patent in question relates to a machine for dehusking areca nut. The patent claims are set out below:

"1. A machine for dehusking the skin/husk of areca nut comprises an aluminium wheel, one or more blades, grooves/teeth, a skin/husk separator, a nylon brush, a conveyor chain, a tub and a nurling shaft:

wherein the nurling shaft wrapped in the aluminium wheel is mounted in a hollow outer casing having an inlet for feeding areca nuts in the front side, a nut delivery outlet on the side for dehusked nut and an outlet for the skin or husk on the back side; and the inlet is carried to the tub by the conveyor belt or chain, wherein the motion of the blade and the nurling shaft is synchronised in such a way that when the blade is rotated/pushed forward in the anti-clockwise direction, the nurling shaft is rotated/pushed forward in the clockwise direction, and the grooves/teeth of the blade hold and dehusk the skin/husk of the areca nut while the nurling shaft rotates the areca nut.

2. The machine as claimed in claim 1, wherein the diameter of the wheel is between 25 to 600 mm.



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3. The machine as claimed in claim 1, wherein the ratio of the rotating speeds of the blade/wheel and the nurling shaft is in the range of 1:10 to 2:11.
4. The machine as claimed in claim 1, wherein the rotating speed ratio of the blade/wheel and the nurling shaft is 1:10:8.
5. The machine as claimed in claim 1, wherein the tub moves forward laterally to release each dehusked nut by a cam system comprising: an oscillating cam and a connecting rod with means of connection to the tub, wherein the oscillations of said oscillating cam are proportional to the rotational speed of an adjoining cam or bearing.
6. The machine as claimed in claim 1, wherein the oscillations of the cam is controlled by a rotating cam and an off balance bearing with means of connection to the rotating cam; and means of contact/connection to the oscillating cam.
7. The machine as claimed in claim 1, wherein the blades having a plurality of grooves and rough lengths formed about its outer circumference, each groove adapted to effectively puncture and drag the skin from the areca nut.
8. The machine as claimed in claim 1, where in the blades having a plurality of grooves and rough lengths formed about its outer circumference, each rough length adapted to rotate the areca nut into ideal orientation for dehusking.
9. The machine as claimed in claim 1, where in the ideal orientation for deshushing is the horizontal position.
10. The machine as claimed in claim 1, wherein the blade has 25 to 27 grooves and 10 to 100 teeth.



CNR: KAHC010480962026

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COMAP No. 351 of 2026**

11. The machine as claimed in claim 1, wherein the angle of the grooves/teeth in the blade is 15 to 60 degree.
12. The machine as claimed in claim 1, wherein the angle of the grooves/teeth in the blade is 15 to 60 degree."
4. The impugned order does not indicate, which of the features of the machine manufactured and sold by the appellants are alleged to infringe the patent claims.
5. Mr. Sai Deepak, learned Senior Counsel appearing for the appellants, points out that the principal features of Claim No.1 are the preference of a nurling shaft synchronized in such a manner that when the blade is rotated / pushed forward in an anti-clockwise direction, the nurling shaft rotates and pushed forward in a clockwise direction. He submits that these features are not embodied in the machine manufactured and sold by the appellants. He also points out that a legal notice dated 08.08.2025 had been issued by the respondent, which was responded to by the appellants in detail by a reply dated 06.09.2025; however, the impugned order notes the same as a bald reply. He further contends that the legal notice referred to the claim as originally filed, whereas the claim as finally granted restricts the claim. It is



CNR: KAHC010480962026

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COMAP No. 351 of 2026**

also pointed out that the application for interim injunction was taken up by the learned Commercial Court on three occasions on 29.04.2026, 02.05.2026 and 03.06.2026; yet, without issuing notice to the appellants, an *ex parte ad interim* order came to be passed.

6. Mr. Dhyan Chinnappa, learned Senior Counsel appearing for the respondent submits that although the impugned order does not clearly analyze the patent claims, the learned Commercial Court had an expert report from NIT, Karnataka, and other material, which would clearly indicate that Indian Patent No.IN259204 has been infringed. He submits that the impugned order has been passed bearing the said material in mind. He also submits that the patent would expire on 23.08.2027 and therefore, the grant of an interim order is essential to protect the respondent's rights.

7. We find that the impugned order is not sustainable, as it does not clearly set out the reasons for arriving at a *prima facie* view that the respondent's patent has been infringed. We find that there is no analysis of the patent, or of the appellants' machine, which are said to infringe those patent claims. The learned senior counsel for the respondent may be right in contending that expert report was



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placed before the learned Commercial Court. However, the impugned order does not indicate that the said expert's report was analyzed or considered.

8. The appeal is accordingly allowed. The impugned order is set aside.

9. We, however, clarify that this order shall not preclude the learned Commercial Court from considering the respondent's application on merits or from passing a fresh *ad interim* order.

10. We request the learned Commercial Court to dispose of the respondent's application as expeditiously as possible and preferably within a period of four weeks from date.

11. Pending interlocutory application stands disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**