

CS (COMM) 616/24
M/S DE NEERS TOOLS LTD. Vs.
M/S FRIENDS MACHINE TOOLS

10.02.2026

Present : Sh. Sanskar Vats, Ld. proxy Counsel for the
plaintiff.

For orders, put up at 4 pm.

(Neelofer Abida Perveen)
District Judge (Commercial Court)-01
Central District/THC/Delhi/10.02.2026

At 4.45 pm.

Present : None.

The plaintiff's suit as instituted on 18.5.2024 after pre-litigation mediation, for recovery of money in the sum of Rs.56,84,985/- along-with interest is against M/s. Friends Machine Tools through its proprietor as defendant no.1 and Anwar Siddhique Proprietor M/s. Friends Machine tools as defendant no.2 in para 2 itself, it has been stated that defendant is the propoetership firm and Dost Mohammad was the proprietor, though in the memo of parties, the name of the defendant no.1 proprietor was not mentioned. The summons were issued and in pursuance, appearance was put in for defendant no.1 ie. M/s. Friends Machine Tools and Sh. Mohd. Anwar appeared on 23.7.2024.

An application u/o VII Rule 11 CPC was filed along-with Written Statement and affidavit on the same date and plaintiff was called upon to explain as to in which capacity defendant no.2 Anwar Siddiqui has been impleaded. The plaintiff on the

adjourned day ie. 22.8.2024 filed application u/o I rule 10 CPC and an application u/o VI Rule 17 CPC. The application u/o VI Rule 17 CPC was not pressed and was dismissed as withdrawn.

The applications u/o VII Rule 11 r/w Sec.151 CPC and u/o I rule 10 CPC were heard and disposed of by common order on the same date ie. 22.8.2024. The defendant no.2 was ordered to be deleted from the array of parties and application u/o VII Rule 11 r/w Sec.151 CPC was dismissed as the same was filed by the party subsequently deleted from the array of the parties and it was observed that the legal heirs of the deceased proprietor cannot be impleaded by way of application u/o I rule 10 CPC but u/o XXII Rule 4 CPC.

Thereupon, the plaintiff filed present application of the plaintiff u/o XXII Rule 4 CPC for impleading the LR's of defendant no.1 and subsequently, the application u/o VI Rule 17 CPC for amendment of memo of parties and amendment of plaint came to be filed. It is duly reflected on the record that the plaintiff during the course of pre-litigation mediation itself, had acquired notice of the death of Dost Mohammad proprietor M/s. Friends Machine Tools and has proceeded to file the suit against the proprietorship Firm as defendant no.1 without mentioning the name of the proprietor.

For clarifications, put up on **16.2.2026**.

(Neelofer Abida Perveen)
District Judge (Commercial Court)-01
Central District/THC/Delhi/10.02.2026 ^{SN}