

**9 CS 4164/24**

**India Sotheby's International Realty Vs. Gogia Capital Services Limited and Ors**

**12.03.2026 (At 12:00Noon)**

Present : Sh. Aman Sahni, Ld. Counsel for the plaintiff.

Fresh affidavit under Order XI Rule 6 (3) of Commercial Courts Act and fresh certificate under Section 63 BSA are filed today. While perusing the plaint and supporting affidavit, it was found that there are hand filled modification/additions in the verification clause of plaint and Statement of Truth is not prepared strictly as per requirements of Commercial Courts Act, which was so pointed out to ld. counsel. Ld. counsel submits that he wants to come up with written submissions with supporting case law, submitting that these defects are curable and summons should be issued.

As far as curable defects are concerned, the last order of this court shall be sufficient to show that plaintiff was given opportunity with direction to rectify all the defects in order to bring the pleadings strictly in accordance with provisions of Commercial Court Act. Till now, this court has not non-suited plaintiff on account of such defects, but at the same time, if despite given opportunity defects are not cured by the plaintiff, I have not come across any judgment which shows that court is still under duty to issue summons on the basis of defective pleadings. Let ld. counsel file his written submission supported with relevant judgments and thereafter, court shall be able to take the further decision.

Put up on 14.05.2026.

**Pulastya Pramachala**  
**District Judge (Commercial Court)-01**  
**Patiala House Court, New Delhi.**  
12.03.2026