

**IN THE COURT OF SH. PULASTYA PRAMACHALA,
DISTRICT JUDGE (COMMERCIAL COURT)-01,
PATIALA HOUSE COURT, NEW DELHI**

CS (COMM) 216/2026

IN THE MATTER OF: -

M/s. Sundeep Press

Through Proprietor Sh. Sundeep Kukreja,
At C-105/2, Naraina Industrial Area,
Phase-1, New Delhi-110028.

...Plaintiff

Versus

1. M/S Unitech Engineers Inc.

Through Proprietor
Sh. Chander Shekhar Vats

2. Sh. Chander Shekhar Vats

At Kh. No.49/13, R. S. Colony,
Opp. Sector 24, Mujjesar,
Faridabad, Haryana- 121005.

...Defendants

Date of pronouncement of the order : 01.07.2026

ORDER

DESCRIPTION OF THE CASE

1. Vide this order, I shall decide the maintainability of the present plaint in its present form, as filed by plaintiff. Present suit has been filed by plaintiff for recovery of an amount of Rs. 5,65,971.34/- against the defendants.

CASE SET UP BY PLAINTIFF

2. Plaintiff is a proprietorship firm (mentioned in the plaint as “company”) dealing in printing and manufacturing of packaging material and carrying on its business through its proprietor, Sh. Sundeep Kukreja.
3. Defendant no.1 is also a proprietorship firm. Defendant no.2/Sh. Chander Shekhar Vats is proprietor of the said company, who performed all the duties on behalf of defendant company and is responsible for day to day business. Defendant no.2 had contacted plaintiff and had purchased goods as per requirements of defendants.
4. Plaintiff had supplied the said goods since 12.05.2022 to 30.06.2022 to defendant’s firm. Plaintiff raised bills for a total amount of Rs. 10,17,467.34/-. Plaintiff had received total payment of Rs. 4,83,499/- out of Rs. 10,17,467.34/-. A balance amount of Rs. 5,33,968/- remained outstanding against defendants and same was recoverable. Defendant thereafter issued a cheque bearing no. 000241 dated 10.06.2022 for Rs. 2,00,000/-, towards payment against amount of Rs. 5,33,968/-. Assurance was also given to make payment of remaining amount. The cheque was presented to the banker of the defendant, but same was dishonoured/returned with a report of stopped payment. Plaintiff had filed an application for mediation, which was unsuccessful due to non-compliance with the terms and conditions of the Mediation Centre, Delhi. Defendant had made payment on 06.04.2024 of Rs. 2,00,000/- to the plaintiff, in

the proceedings of case under Section 138 NI Act and remaining amount of Rs. 3,33,968/- stood recoverable from the defendant with interest at the rate of Rs.24% p.a. w.e.f. 30.06.2022. An amount of Rs. 565971.34 became due against defendant up to 14.05.2024. Plaintiff raised demand for this amount on 13.10.2024, but defendant did not make payment. Hence, this suit.

5. Memo of parties in the plaint reads as under: -

MEMO OF PARTIES

M/S SUNDEEP PRESS
THROUGH PROPRIETOR
SH. SUNDEEP KUKREJA
AT C-105/2, NARAINA INDUSTRIAL
AREA, PHAS-1, NEW DELHI-110028

.....PLAINTIFF

VERSUS

1. M/S UNITECH ENGINEERS INC.
THROUGH PROPRIETOR
SH. CHANDER SHEKHAR VATS
2. SH. CHANDER SHEKHAR VATS
AT KH. NO.49/ 13, R. S. COLONY,
OPP. SECTOR 24, MUJJESAR
FAR1DABAD, HARYANA- 121005.

....DEFENDANTS

6. Same description is mentioned in the title of the case, in the plaint. However, paragraph no. 1 of the plaint mentions that: -

“1. That the plaintiff is a leading company dealing in printing and manufacturing of packaging material and carrying on its business from their office and factory at the above-mentioned address and the present case is being filed through its

proprietor Sh. Sundeep Kukreja/D-2, Copy of GST certificate is Anx.A.”

7. As per documents annexed with plaint, GST registration certificate of plaintiff mentions its’ status as “Proprietorship” under column of “Constitution of Business”. Thus, the description of plaintiff as mentioned in the memo of parties and title of the case in the plaint, is the correct description of status of plaintiff i.e. same being a proprietorship firm rather than a company. Paragraph-1 wrongly describes plaintiff as a company, and such term appears to have been used in casual manner therein as well as in paragraph-2 in respect of defendant-1.
8. Now the question is that whether a suit can be filed by a proprietorship firm in its name? This question was already raised before ld. counsel for plaintiff, but no concrete submission was made on this point. Time was also given to take rectifiable steps.
9. In the case of ***Dogiparthi Venkata Satish v. Pilla Durga Prasad, 2025 SCC OnLine SC 182***, Hon’ble Supreme Court held that: -

“4.1 A proprietorship concern is nothing, but a trade name given by an individual for carrying on his business. A proprietorship concern is not a juristic person. It cannot sue, however, in view of Order XXX Rule 10 CPC, it can be sued. In order to analyse the said provision, it would be appropriate to reproduce the same. It reads as follows:

“10. Suit against person carrying on business in name other than his own.— Any person carrying on business in a name or style other than his own name, or a Hindu undivided family carrying on business under any name, may be sued in such name or style as if it were a firm name, and, in so far as the

nature of such case permits, all rules under this Order shall apply accordingly.”

.....

4.3 It is well settled by series of judgments that proprietorship concern cannot be equated either with a company or with a partnership firm. Order XXX deals with partnership basically, however, Rule 10 thereof refers to proprietorship. It makes very clear that proprietorship concern cannot sue but it can be sued. Whether proprietorship concern is sued in its name or through its proprietor representing the concerned is one of the same thing.”

10. Present plaint shows that suit has been filed in the name of proprietorship firm, which is apparently not a juristic person. Thus, there cannot be second thought to say that this suit is not maintainable in its present form. One opportunity vide order dated 08.04.2026 was given to ld. counsel of plaintiff to amend the plaint. However, ld. counsel insisted to proceed with the plaint already filed. In these circumstances, present plaint stands rejected, because suit is not maintainable in the name of a proprietorship firm.

**Pronounced in the
Open Court on this
01st Day of July, 2026**

**(PULASTYA PRAMACHALA)
District Judge (Commercial Court)-01,
Patiala House Court, New Delhi.**