

16 CS DJ ADJ 84/26

M/S TARA INTERIOR Vs. SAILASH KUMAR SINHA

11.07.2026

Present: Sh. B. C Tyagi, Ld Counsel for plaintiff. (through VC)
Sh. Ajeet Kumar, Ld Counsel for defendant.

Today the matter is fixed for clarifications, if any/order on application under Order VII Rule 11 CPC.

Vide this order, this court shall decide a application under Order VII Rule 11 CPC.

Counsel for defendant submits that as far as his objection to the jurisdiction on the ground of suit being commercial is concerned, he is of the opinion that this court has jurisdiction to try the matter as matter is not commercial however the other grounds on which application under Order VII Rule 11 CPC has been moved are still valid.

Perusal of application shows that the application contains 5 paras The grounds for rejecting the plaint, as mentioned in para no. 2 to 5 of the application, are as follows;

“2. Defendants had never engaged or plaintiff company for his interior work therefore the present suit is not maintainable at any point of time. Defendant had paid money to individual person not to company.

3. That the present suit is not maintainable either on facts or in law hence liable to be dismissed.

4. That the suit of the plaintiff is not maintainable as the plaintiff has not approached the court with clean hands and has suppressed the material facts from this court.

5. That the plaintiff is running his business in the name and style of M/s Tara Interior and the alleged work in the nature of Commercial nature therefore the present case falls under Commercial Act and the

Commercial Act is appropriate court to entertain the present suit.
Therefore is present suit is liable to be dismissed”.

As far as the defendant's contention of the suit being commercial in nature is concerned, this court is of opinion that suit is not a commercial suit as defined under Commercial Courts Act, 2015. As per the averments of the plaint, defendant had approached the plaintiff for renovation work of their flat. Defendants are individuals who were residents of the same flat. The transaction in question is not a commercial one as it does not arise out of trade, commerce or any business. It appears essentially a private contract for service bereft of any commercial character.

Coming to the second contention as enumerated in para no.2. that defendant had never engaged plaintiff company for interior work hence the suit is not maintainable. This court is of opinion that the same is a subject matter of trial, which can only be decided once evidence on this issue has been led.

It is a settled position of law that a plaint can only be rejected when from the averments of the plaint itself court comes to conclusion that it does not disclose a cause of action. Plaint can only be rejected for reasons arising out of inherent insufficiency of the plaint itself.

Whatever grounds have been raised by defendant in his application under Order VII Rule 11 CPC are essentially a subject matter of trial. This court does not find any ground to entertain this application.

The application is hereby dismissed.

List for further proceedings on **26.09.2026**.

(Abhitosh Pratap Singh Rathore)
DJ-05 (SW)/Dwarka Courts
New Delhi: 11.07.2026