

10 CS (COMM) 515/25

AYON ALLOYS PVT. LTD Vs. SAMNEE AUTO (OPC) PVT. LTD

16.09.2026

Present: None for the plaintiff.

Sh. Sameer Gaur, Director of the defendant who is appearing online on CISCO Webex and states that he has not been able to make the payment of last installment to the extent of Rs. 5,00,000/- as his bank account has already been freezed.

Be awaited for the plaintiff.

RAJ KUMAR
District Judge (Commercial Court)-01,
(SW)-Dwarka Courts, Delhi
16.09.2026

At 10.58 AM

Present: Ms. Saba Sheikh, Ld. counsel for the plaintiff.
None for the defendant.

The present suit was settled in the Mediation Center vide orders dated 19.01.2026.

As per the orders dated 19.01.2026, the total amount of Rs. 14,68,594/- was to be paid by the defendant to the plaintiff in three installments. The first installment of Rs. 4,68,594/- was to be paid on or before 30.04.2026. The second installment was to be paid on or before 30.05.2026, and the third & last installment of Rs. 5 Lacs was to be paid on or before 30.06.2026.

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Ld. counsel for the plaintiff states that after the payment of first two installments, third installment of Rs. 5 Lacs which has to be paid on or before 30.06.2026, was not paid by the defendant.

Perusal of the record of the case reveals that Mr. Sameer Gaur, Director of the defendant has been appearing in the present matter and he has been seeking time to make the payment of the last installment but despite the grant of repeated opportunities, the payment of the last installment has not been done.

Ld. counsel for the plaintiff, in these circumstances, states that the present matter may be proceeded on merits and issues be framed on the basis of pleadings of the parties as the defendant is intentionally and deliberately avoiding to make the payment of the last installment.

Heard.

Since the pleadings of the parties are complete, from the pleadings of the parties, following issues are hereby framed:

1. Whether the part of goods supplied by the plaintiff were defective, as stated by the defendant in the preliminary objections of the WS ? OPD
2. Whether the suit of the plaintiff is without any cause of action, as stated by the defendant in the preliminary objections of the WS ? OPD

3. Whether this Court does not have any jurisdiction to entertain and try the present suit, as stated by the defendant in the preliminary objections of the WS ? OPD
4. Whether the plaintiff is entitled for the recovery of the amount of Rs. 16,50,000/- (reduced by the amount of two installments paid by the defendant to the plaintiff) together with interest, as prayed for by the plaintiff in the plaint ?
OPP
5. Relief, if any.

No other issue arises or is pressed for.

List of witnesses, if any, be filed by both the parties within 15 days from today with advance copy thereof to the opposite party.

Both the parties shall place on record their respective evidences by way of affidavits again with advance copy thereof to each other.

The matter shall be taken up for PE on the next date.

At the joint request of both the Ld. counsels, now to come up for PE on **29.09.2026**.

RAJ KUMAR
District Judge (Commercial Court)-01,
(SW)-Dwarka Courts, Delhi
16.09.2026