

33 MISC DJ ADJ 684/23
SHRI DURGA COLOUR SALES CORPORATION Vs. M/S
AARI CASA INDIA PVT. LTD.

15.09.2025

Present: Ms. Sakshi Arora, Ld. Counsel for Applicant.
Proxy counsel for Respondent.
Proprietor Bindu Jaggi in person.

Ld. Main Counsel for DH/respondent is on available today.

Ld. Counsel for applicant herein is, however, present. She has submitted that:

Firstly, the dispute is commercial within the meaning of Commercial Courts Act and the plaint was presented on 25.09.2018, the time when the Commercial Courts were fully operational at Delhi District Courts level and therefore, this decree was passed by an ordinary civil court, which has no subject matter jurisdiction in view of the bar contained in Commercial Courts Act;

Secondly, although, initially, the suit was filed as a summary suit, but it was converted into an ordinary suit and therefore, only requirements of Order 9 Rule 13 of CPC has to be satisfied; and

Thirdly, it has been urged that the service is not proper.

During the course of arguments, even I have noticed that my Ld. Predecessor, at the time of decree has noticed several discrepancies in the case of the plaintiff, such as, absence of invoices/bills, were not reflected in the statement of account (para 11 of the Judgment), as well as, there being entries in the

account statement, which were not supported by any invoices/bills (para 10 of the judgment).

Ld. Counsel for DH/respondent may appear and address arguments on the aforesaid aspects on **14.10.2025**.

(HARJYOT SINGH BHALLA)
DJ-03, SOUTH-WEST, DWARKA
NEW DELHI/15.09.2025