

Civ DJ 335/2026
Deepak Jain Vs.
Aman Jain

04.06.2026

Present: Plaintiff with Ld. Counsel Sh. Arun Dalal.
 Sh. Puru Mudgil (through VC) & Sh. Tushar Sharma,
 Ld. Counsels for defendant.

1. Vakalatnama is filed on behalf of defendant. Be taken on record. Also, Ld. Counsel for plaintiff has filed affidavit of the plaintiff regarding service of summons upon the defendant through Speed Post along with postal receipt and tracking report.

2. As per the tracking report, the Speed Post was delivered to the defendant on 27.05.2026. Ahlmad has reported that the summons sent to the defendant through ordinary mode were served on 14.05.2026 and till date no appearance has been filed on his behalf.

3. Ld. Counsel for the defendant has contended that the document at page no. 13 annexed with plaint, delivered to the defendant, is not legible and has requested that fresh copy of the same be provided. On the other hand, Ld. Counsel for the plaintiff has taken strong objection to this and he has mainly stated that proper legible copies of the documents were supplied to the defendant and that this plea should have been made on behalf of the defendant at the earliest.

4. The fact that after service of summons upon him, the defendant has failed to file appearance within prescribed period of 10 days, has not been disputed. The aforementioned plea taken on

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behalf of the defendant that out of set of plaint and its annexures supplied to the defendant, copy of one document is not legible, cannot be accepted as a ground to grant any concession to the defendant because of reasons that normally the documents along with summons are sent after proper checking, that here the counsel for the plaintiff has specifically contended that all the documents supplied to the defendant were properly legible and that moreover, even if it is accepted that copy of one document was not legible then the defendant should have approached the court with this plea at the earliest and not beyond the prescribed period for filing the appearance.

5. Ld. Counsel for the plaintiff has contended that since the defendant has failed to file appearance within the prescribed period, in view of provision u/o XXXVII Rule 2(3) CPC the allegations in plaint would be deemed to be admitted and the plaintiff has become entitled to a decree in his favour.

6. Facts of case of the plaintiff, in brief (required to be discussed here), are as follows- In May 2025, owing to his financial problem the defendant, being at friendly terms with Sh. Darsh Jain, son of the plaintiff, had approached the plaintiff for a friendly loan of Rs. 15,00,000/-, on interest @ 18% p.a. with monthly interest for a period of 4-5 months. Thereafter, on 13.05.2025, the plaintiff had advanced the friendly loan of Rs.15,00,000/- to the defendant through bank transfer. Subsequently, in discharge of his liability, the defendant had issued a cheque bearing No. 507754, dated 31.12.2025, amounting to Rs. 15,00,000/-, drawn on Axis Bank Ltd., to the plaintiff. The said cheque got dishonoured when presented for its

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encashment vide cheque returning memo dated 02.01.2026, with remarks 'funds insufficient'. Thereafter, the plaintiff got issued legal demand notice dated 10.01.2026 to the defendant, however, he had not paid the amount to the plaintiff.

7. In support of the suit of the plaintiff, several documents have been placed on record which include statement related to bank account of the plaintiff showing that on 13.05.2025 the amount of Rs. 15,00,000/- was transferred from the account to the defendant, attested copies of the aforementioned cheque and of the returning memo, copy of the legal demand notice, copy of postal receipt and its tracking report.

8. The case is based on the cheque, hence, the same is maintainable u/o XXXVII CPC. The suit is filed within the prescribed period of limitation. The defendant is residing within the territorial jurisdiction of this court.

9. In view of above discussion, the suit is hereby decreed in favour of the plaintiff and he is found entitled to an amount of Rs.15,00,000/- along with interest @ 12% per annum from the date of filing of the suit till its realization and cost of the suit. Decree sheet be prepared accordingly.

10. File be consigned to record room after necessary compliance.

(GOPAL SINGH CHAUHAN)
DJ-03, WEST/DELHI
04.06.2026