

08.06.2026

Present: Sh. Sameer Jha, Ld counsel for the plaintiff through VC.
Plaintiff in person.
Sh. Sarabjot Singh and Sh. Gagandeep Singh, Ld counsels for the defendant alongwith defendant in person.

The defendant has paid cost of Rs. 5500/- to the plaintiff. Receiving regarding obtaining said amount of Rs. 5500/- has been taken from the plaintiff on the order-sheet of last date of hearing.

Ld counsel for the defendant has been asked as to whether from the admitted pleading of the parties, it is established that the suit is of commercial nature or not.

Ld counsel for the defendant has submitted that from the admitted pleadings, it is not being established that the suit is of commercial nature, however, as per his written statement as well as work order, whats app chats between the parties, attached with the written statement, it is established that the suit is of commercial in nature.

It is settled law that preliminary issues can be decided only on the basis of admitted facts, if the facts are not admitted then issue is required to be tried on merit. Ld counsel for the plaintiffs submits that the plaintiff has given friendly loan to the defendant and the present suit has been filed for the recovery of friendly loan. So, the present suit is not commercial in nature.

I have perused the plaint. In para no. 3, the plaintiff has mentioned that whenever, the defendant was in need of any

sort of friendly loan, he used to approach the plaintiff and plaintiff used to help the defendant to the best of his ability.

From the admitted pleadings of parties as well as from the averments of plaintiff, it is not established that the suit is of commercial in nature. So, the preliminary issue no. 4 cannot be decided as preliminary issue and it can be decided only after leading evidence, so, issue no. 4 is also considered as main issue along with the other issues.

Put up for PE on **18.11.2026**.

Ld counsel for the plaintiff is directed to supply advance copy of affidavit of witnesses to be examined on the NDOH, to Ld counsel for defendant, at least 10 days prior to the next date of hearing.

(SHIV KUMAR)
DJ-02 (W)THC:Delhi
08.06.2026