

Civ DJ 1413/17

KAPIL CHANANA Vs. V.S. STRUCTURES P. LTD.

21.01.2026

Present: Sh. Arush Kumar Malhotra, Ld counsel for plaintiff with
plaintiff/PW-1.

Sh. Praveen Kumar Mishra, Ld proxy counsel for
defendant.

Case is at the stage of remaining cross-examination of PW-1, who is present, however, one application has been moved on behalf of defendant u/o 7 Rule 11 CPC. Copy of the same is supplied to opposite side. In said application, it has been submitted by defendant that present suit is commercial suit, so this Court does not have jurisdiction in this matter.

This Court is of the considered view that perusal of record shows that the present suit was instituted in December 2017 and as per the judgment of Hon'ble Delhi High Court in case i.e. C.M. No. 19883/2022 "Manoj Kumar Bansal Vs. Prem Arora", decided on 18.07.2022, the suit which has been filed prior to 03.05.2018 cannot be transferred. In view of the same, present application is without any merits and same is dismissed.

For the purpose of cross-examination, one more opportunity is being sought on behalf of defendant on the ground that ld main counsel is not available due to some personal exigency.

In the interest of justice, put up for cross-examination of PW-1 on 31.01.2026.

(Dharmender Singh)
District Judge-01(West)
Tis Hazari Courts, Delhi/21.01.2026