

CS (COMM.)/560/2026
CNR No:- DLNW010092652026
VIMAL FACILITY SOLUTIONS PVT. LTD.
Vs.
BOTHANZI MEDICALS PVT. LTD.

08.08.2026

Present: Sh. Ankit Kumar, Ld. Counsel for plaintiff.

Heard. Record perused.

The plaintiff has filed the present suit under the provisions of Order XXXVII Rule 2 of the Code of Civil Procedure, 1908, seeking recovery of Rs.23,78,944/- along with pende-lite and future interest.

The plaintiff has filed the present suit on the basis of the invoices placed on record, whereby goods were stated to have been supplied to the defendant.

It is well settled law that Order XXXVII CPC is itself a Code. Order XXXVII has defined the class of the suits, which can be filed under the provisions of Order XXXVII of CPC.

It is claimed that the invoices placed on record by the plaintiff constitutes written contract. Therefore, the suit under the provisions of Order XXXVII CPC is maintainable.

The invoices placed on record by the plaintiff would show that the same are unilateral in nature and does not bear any acknowledgment of the defendant. There is neither any purchase order nor any acknowledgment of the defendant on the invoices. A document, which does not reflect the consent of the opposite party or other contracting party, does not fall within the meaning

Contd.. P/2

of written contract. Therefore, the unilateral invoices, in the absence of any written acknowledgment on the part of the defendant, does not fall within the definition of written contract, which is prerequisite for filing a suit under the provisions of Order XXXVII Rule 2 of the CPC.

In view of the above, **I am not inclined to treat the present suit under the provisions of Order XXXVII Rule 2 of the CPC. The present suit is converted into the ordinary commercial suit for recovery.**

Heard. Record perused.

Non-Starter Report as per Section 12A of Commercial Courts Act 2015, (as amended by Act-2018) is already **on record**.

Let Summons for settlement of issues of the Suit be issued upon the defendant(s), on filing of PF, Speed Post, approved courier & requisite Copies. Summons to be issued under *Order V Rule 5 CPC 1908* upon the defendant(s) shall display mandatory endorsement “*defendant should file Written Statement of defense within 30 days from the date of service/receipt of summons alongwith Statement of Truth and Affidavit of admission/denial of documents of the plaintiff*”, as per Commercial Courts Act, 2015. Steps be taken within four weeks. **Additional process be given dasti.**

Put up for report on 26.11.2026.

(Devender Kumar Jangala)
District Judge (Commercial Court)-01
North-West, Rohini, Delhi.
08.08.2026