

06.10.2025

Fresh suit received on assignment basis. It be checked and registered.

Present: Sh. Sachet Sharma, Ld. Counsel for plaintiff.

Matter has been taken up for consideration of the suit for specific performance and permanent injunction.

Heard. Perused the documents.

Plaintiff has not complied with the mandatory provision of pre-institution mediation as per Section 12A of the Commercial Courts Act and the Court has serious doubt about the maintainability of the suit. The Court has also serious doubt about the maintainable of the suit in view of Order II Rule 2 of the CPC, inasmuch as, the earlier suit filed by the plaintiff has been rejected and in the said suit, the plaintiff had not claimed the relief of specific performance.

Plaintiff to explain the Limitation as well as valuation of the suit. Plaintiff also to explain as to how the suit is maintainable due to non-compliance of Section 12A of the Commercial Courts Act.

Ld. counsel for plaintiff submits that he will make the submissions in this regard and the said questions be left open and notice be issued.

Notice of the suit as well as of the application under Order XXXIX Rule 1 & 2 of the CPC and the application under Section 12A of the Commercial Courts Act be issued to the defendant **on filing of PF, RC, authorized courier/speed post as well as through email and Whatsapp messenger. Steps be taken and PF be filed within 7 days.**

Put up for further proceedings on 07.11.2025.

(Kiran Bansal)
District Judge, Commercial Court-02,
Shahdara District, Karkardooma Courts,
Delhi /06.10.2025.