

**Misc DJ No. 86/26**  
**Ms Gammey India And Co Vs. Action House**

**28.02.2026**

Present: Sh. Rakesh Srivastava, Ld. Counsel applicant.

Heard submission on application u/o.9 rule 4 CPC.

Seen record of CS (COMM) 917/2025. Defendant was not issued notice, the suit was at pre-notice state at the time of dismissal in default. Considering the submissions, the application is allowed. Suit is restored to its original number.

This application be tagged with main file.

It is submitted by Ld. Counsel for plaintiff that though the suit was filed u/o.37 CPC. However, he prayed today that the same may be treated as ordinary suit for recovery of money. So, from today onwards, the suit is treated as ordinary suit for recovery of money.

From the perusal of non-starter report dated 07.08.2024 of Central District DLSA, it appears that compliance u/sec.12A of Commercial Court Act is already done.

Issue summons of the suit to the defendant/s on filing of PF/RC/Speed post. Steps be taken within 7 working days.

Service be effected through Ld. District Judge, Bhilwara, Rajasthan.

The defendant/s be informed to file written statement within a period of 30 days from the date of receipt of summons with advance copy to plaintiff and that filing of written statement in commercial suit in 120 days period is mandatory and no extension can be granted. A copy of the order be also sent to defendant/s in terms of the decision of Hon. High Court of Delhi in CM (M) No. 136/2020 North Delhi Municipal Corporation Vs. M/s Dhingra Construction Company. At request, summons be given dasti as well.

Put up for report and consideration on 21.04.2026.

**(Rakesh Pandit)**  
**District Judge (Commercial Court)-13/**  
**Central/Tis Hazari/Delhi/28.02.2026**