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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RFA(COMM) 92/2026&CM APPL. 9290/2026, CM APPL. 9291/2026, CM APPL. 9292/2026**

AMIT KUMAR & ANR.

.....Appellants

Through: Mr. M.K. Raghav Raman, Mr. Vignesh Ramanathan, Ms. Nitya Sharma, Advs.

versus

VIKAS NAHAR

.....Respondent

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **10.02.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 9291-92/2026 (for exemption)

2. Allowed, subject to all just exceptions. Applications are disposed of.

RFA(COMM) 92/2026 & CM APPL. 9290/2026 (for condonation of delay)

3. The present appeal has been filed by the Appellants/Defendants (*hereinafter, 'Appellants'*) under Section 13 of the Commercial Courts Act, 2015 read with Section 96 of the Code of Civil Procedure, 1908, *inter alia*, assailing the impugned judgment and decree dated 20th September, 2025 passed by the Id. District Judge, (Commercial Court-03), Shahdara District, Karkardooma Courts, New Delhi in **CS. (Comm.) 475/2024** (*hereinafter, 'the impugned judgement'*).

4. *Vide* the impugned judgement and decree, the suit of the



Respondent/Plaintiff (*hereinafter, 'Respondent'*) has been decreed in the following terms:

“72. Therefore, the suit of the plaintiff is decreed with proportionate costs and a decree in the sum of Rs. 5,51,718/- alongwith pendente-lite and future interest @ 7% per annum is passed in favour of the plaintiff and against the defendants. Decree sheet be drawn. File be consigned to record room.”

5. The case of the Appellants is that the Respondent has miserably failed to prove the delivery of goods. It is submitted by Id. Counsel for the Appellants that it was a family dispute which had been converted into a commercial dispute.

6. Further, it is also submitted by Id. Counsel for the Appellants that no goods were ever supplied to the Appellant and in fact no money was due to the Respondent.

7. Additionally, it is also submitted by Id. Counsel for the Appellants that the payment of the amount of Rs. 1 lakhs through the cheque, has been misinterpreted by the Commercial Court.

8. Upon a query from the Court, Id. Counsel for the Appellants submits that the clients are unaware as to whether any execution petition has been filed in the matter or not.

9. Issue notice. Let the Respondents be served through all permissible modes, upon appropriate steps being taken by the Appellants. Let the Respondent be also served through the Id. Counsel who appeared for the Respondent before the Commercial Court.

10. Let the TCR be requisitioned in the matter.



11. List before the Joint Registrar on 2nd March, 2026.
12. List before the Court on 23rd April, 2026.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

FEBRUARY 10, 2026

dj/sm