



\$~2

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

+ CS(COMM) 22/2018 & I.As. 12491/2019, 11907/2022,
11911/2022, 19774/2022.

DR. NARENDER KUMAR SHARMA & ORS Plaintiffs

Through: Mr. M. Prabhakar, Advocate.

versus

MAHARANA PRATAP EDUCATIONAL
CENTER & ANOTHER

..... Defendants

Through: Mr. Nikhilesh Krishnan, Ms. Swati
Surbhi, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **18.04.2023**

1. Mr. Nikhilesh Krishnan, learned counsel for the defendants, takes a preliminary point that the suit is not supported by a Statement of Truth as required under the Commercial Courts Act, 2015.
2. I find that the suit was not originally instituted as a commercial suit, but as an ordinary suit under the Code of Civil Procedure, 1908 ["CPC"], *albeit* under the summary procedure of order XXXVII thereof.
3. Summons in the form under Order XXXVII of CPC were issued on 25.05.2017. However, after the appearance of the defendants, an order was passed by Court on 08.01.2018 which states *inter alia* as follows:

*"1. After arguments, it is agreed that this suit **instead of being treated as an Order 37 suit will be treated as a commercial suit** under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015. Accordingly, from today, the present suit will be treated as a commercial suit **and will follow the***



procedure under the Commercial Courts Act. Registry will number this suit as a commercial suit.

2. Counsel for the defendants accepts the summons in the suit. Written statement will be filed within six weeks. Plaintiff will file replication within four weeks thereafter.”

[Emphasis supplied.]

These directions were reiterated in the subsequent order dated 04.05.2018.

4. Despite the suit having been converted into one under the Commercial Courts Act, the plaintiff has not filed the Statement of Truth. It may, however, be noted that the defendants have also not raised this objection in their written statement or for that matter in any proceedings until today. In fact it appears at this stage that the written statement is also not supported by a Statement of Truth.

5. In view of these peculiar circumstances enumerated above and with the consent of learned counsel for the parties, the parties are directed to file the Statements of Truth in support of their respective pleadings within two weeks from today.

6. List for hearing of pending applications on 21.08.2023.

PRATEEK JALAN, J

APRIL 18, 2023

“Bhupi”/