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

+ **RFA(COMM) 61/2024**

M/S TEJAYS INDUSTRIES PVT. LTD. APPELLANT

Through: Mr. Vineet Bhagat, Advocate.

versus

M/S TECNICA SOLUTIONS

.... RESPONDENT

Through:

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE AMIT BANSAL

ORDER

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20.02.2024

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 10431-32/2024

1. Allowed, subject to just exceptions.
2. The applications stand disposed of.

RFA(COMM) 61/2024 and CM APPL. 10429/2024 & 10430/2024

3. This appeal is directed against the judgment and decree dated 19.05.2023. The trial court has decreed the suit for Rs.5,11,223/-, along with pendente lite and future interest @ 6% per annum
4. It is submitted by Mr. Vineet Bhagat, learned counsel, who appears on behalf of the appellant, that the service was not affected on the appellant (defendant no.1 in the suit).
- 4.1 It is, however, not disputed that the summons were returned with the endorsement “left”. According to the appellant, he was operating from another premise.

RFA(COMM) 61/2024

Page 1 of 2



5. It is not disputed that summons were directed to the registered office of the appellant. Mr Bhagat says that the respondent herein was aware of the fact that the appellant was operating from different premises.
6. This and other aspects will be examined on the next date of hearing.
7. The defendant no.2 in the suit, who was the Managing Director of the appellant, has not been arrayed in the present proceedings.
8. Mr Bhagat will take steps to array defendant no.2 in the suit as a party in the present proceedings.
9. Issue notice to the respondent *via* all permissible modes, including e-mail, returnable on 23.08.2024.
10. Subject to the appellant depositing the decretal amount within four (04) weeks from today, there shall be stay on the operation of the impugned judgment and decree.

RAJIV SHAKDHER, J

AMIT BANSAL, J

FEBRUARY 20, 2024

B.S. Rohella

Click here to check corrigendum, if any

RFA(COMM) 61/2024

Page 2 of 2