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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 351/2023 & CM Appl.21900/2023

SAMEER MAHANDRU

.....Appellant

Through: Mr. Anand Shankar Jha and Mr.
Parvez Rahman, Advs.

versus

KISHAN YADAV

.....Respondent

Through: Mr. Amardeep Maini, Ms. Priya
Sachdeva, Ms. Upasana Nayyar, Ms.
Rashi Yadav, Mr. Nikhil Kumar and
Mr. Dhunkesh, Advs.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

26.07.2024

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1. Learned Counsel for the Respondent submits that he wishes to file a Reply to the present Application. Let the same be filed within a period of two weeks.

1.1 Rejoinder, if any, be filed before the next date of hearing.

2. Learned Counsel for the Appellant contends that the judgment and decree dated 21.12.2022 has been passed against the Appellant for payment in respect of goods that were supplied to a company namely Indo Spirit Distribution Limited [hereinafter referred to as "the Company"]. It is contended that the Appellant is a Director in the Company and that he did not receive the goods supplied in his personal capacity. Thus, it is contended that the learned Trial Court erred in decreeing the Suit against the Appellant.

2.1 Learned Counsel for the Appellant requests for two weeks' time to place on record the documents sought to be relied upon in this regard. Let the documents be filed with an appropriate Application.



3. Learned Counsel for the Respondent refutes the aforesaid contentions. He submits that the Appellant had approached the Respondent stating that he was the sole proprietor in the Company and thus the Impugned Judgment was passed against the Appellant in his capacity as the sole proprietor. Reliance is placed upon an agreement dated 03.04.2013 which has been annexed as Annexure A-3. The said document is however illegible. The Appellant shall ensure that typed copies of all the dim/illegible copies of the documents as was directed by this Court by its order dated 01.05.2023, are placed on record within two weeks.
4. The Appellant shall also file an affidavit with respect to his connection with the Company including if it is a sole proprietorship or a private limited company as well as, set out the share holding pattern, if the entity is a Company registered under the Companies Act, 1956 or Companies Act, 2013.
5. List on 20.08.2024.
6. Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.
7. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JULY 26, 2024/r

[Click here to check corrigendum, if any](#)