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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 226/2021 & I.A. 1022/2023, I.A. 16716/2022 & I.A. 13540/2023

BOXING FEDERATION OF INDIAPlaintiff

Through: Mr. Hrishikesh Baruah, Mr Parth Goswami, Mr Kumar Kshitij, Ms Pragya Agarwal, Me Utkarsh Dwivedi, Ms Nishtha Sachan, Mr Yashashwy Ghosh, Mr Ranjeet Pawar, Mr Deep Pal Singh, Advs.

versus

**INDIAN AMATEUR BOXING
FEDERATION & ORS.**Defendants

Through: Ms. Anupama Sharma Singh, Mr. Vishnu Sharma, Mr. Sparsh Saxena, Mr. Sumit Sharma, Advs.

**CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR**

ORDER (ORAL)

% **09.01.2026**

REVIEW PET. 146/2021

1. The only contention raised by Ms. Anupama Sharma Singh, learned Counsel for the review petitioner is that, instead of directing renumbering of CS (Comm) 120/2019 as a non-commercial suit and transferring to the ordinary original side of this court, the petitioner/non-applicant ought to have been directed to re-file the matter as an original suit.

2. She places reliance on the judgment of the Supreme Court in



Ambalal Sarabhai Enterprises Ltd v. K S Infraspac LLP¹.

3. Mr. Baruah, learned Counsel for the petitioner/non-applicant, submits that a Coordinate Single judge of this Court has, in ***Namita Gupta v. Suraj Holding Ltd.***², held that this Court could transfer the matter to the non-commercial side and has also considered ***Ambalal Sarabhai Enterprises Ltd.*** He relies on paras 13, 37 and 74 of the decision in ***Namita Gupta***, which read thus:

“13. The learned counsel for the petitioner further submits that the only provision for transfer of the Suit, which is filed as an Ordinary Suit, to a Commercial Court, is contained in Section 15(2) of the Act. He submits that the said provision is applicable only to the Civil Suits relating to commercial disputes of a specified value that were pending before the Civil Courts in any District or area in respect of which a Commercial Court has been constituted, as on the date of such constitution. It does not apply to Suits that are filed after the constitution of the Commercial Courts in a particular District. He submits that where a Suit, though relating to a commercial dispute of a specified value, is filed as an Ordinary Civil Suit after the constitution of the Commercial Courts, the only power available with the Court is to return the plaint under Order VII Rule 10 of the CPC for the presentation of the plaint before the Commercial Courts, that is, the Court of appropriate jurisdiction. In support, he places reliance on the judgment of the Supreme Court in ***Ambalal Sarabhai Enterprises Ltd. v. K.S. Infraspac LLP & Anr.***³ judgments of this Court in ***Satyanarain Khandelwal v. Prem Arora***⁴, ***Narendra Kumar v. Om Daily Needs Retailing Pvt. Ltd. and Anr.***⁵, ***M/s AV Industries v. M/s Neo Neon Electrical Pvt. Ltd.***⁶, and ***Virender Kumar v. Rekha Bhayana***⁷, and of the Calcutta High Court in ***Laxmi Plyfab Pvt. Ltd. and Ors. v. Eden Realty Ventures Pvt. Ltd. and Ors.***⁸, ***Maharshi Commerce Limited v. Rajiv R. Balani and Ors.***⁹, and ***ANE Industries Private Limited v. J.K. Engineering Private***

¹ (2020) 15 SCC 585

² 312(2024) DLT 242

³ (2020) 15 SCC 585

⁴ 293(2022) DLT 250(DB)

⁵ 2023 SCC OnLine Del 5618

⁶ 2023 SCC OnLine Del 5397

⁷ 2022 SCC OnLine Del 2678

⁸ 2021 SCC OnLine Cal 1457

⁹ 2022 SCC OnLine Cal 4555



*Limited*¹⁰, and of the High Court of Andhra Pradesh in *Andhra Pradesh Industrial Infrastructure Corporation (APIIC) v. Meghavaram Power Pvt. Ltd.*¹¹, and of the High Court of Telangana in *Life Shine Medical Services Pvt. Ltd. v. Dr. Alety Jeevan Reddy & Anr*¹², and of the High Court of Bombay in *Gaurang Manguesh Suctancar v. Sonia Gaurang Suctancar*¹³.

37. The Supreme Court in *Ambalal Sarabhai Enterprises Ltd.* (supra), was considering a case where a suit was filed before a Commercial Court and the defendant therein filed an application under Order VII Rule 10 of the CPC, contending that the suit did not relate to a commercial dispute. The application was rejected by the learned Commercial Court. The defendant approached the High Court of Gujarat, which directed return of the plaint of the Suit to the plaintiff under Order VII Rule 10 of the CPC, for it to be presented before the appropriate Court. The Supreme Court affirmed and approved this course of action. What is important is that recourse to Order VII Rule 10 of the CPC was made and upheld by the Supreme Court.

74. At the same time, as held herein above, this Court, under Section 24 of the CPC, has the power to transfer the Suit to the court of competent jurisdiction. In the present case, as it is not disputed that the Suit relates to a Commercial Dispute of a Specified Value and is to be tried by the learned District Judge (Commercial), South-East District, Saket District Court, and as it is also not disputed that the petitioner herein, who is the defendant in the Suit, has not only filed her Written Statement but also a Counter-Claim, in my opinion, the interest of justice would demand that in exercise of power vested in this Court under Section 24 of the CPC, the Suit be transferred from the Court of the learned Additional District Judge to the Court of the District Judge (Commercial), South-East District, Saket District Court, to be tried from the stage it is at present.”

4. In any event, I do not deem it necessary to enter into that aspect as para 5 of the impugned order reveals that the order was passed *ad invitum*:

¹⁰ 2023 SCC OnLine Cal 3331

¹¹ 2023 SCC OnLine AP 794

¹² 2023 SCC OnLine TS 4225

¹³ 2020 SCC OnLine Bom 11777



“5. Mr. Abhigya Kushwah, learned counsel for the applicants/defendants, submits that, though there is no express provision permitting conversion of a "commercial suit" to “non commercial suit”, *as this Court has been converting “non-commercial suits” to “commercial suit”, on the dispute being found to be commercial in nature, he leaves it to the Court*”.

(Emphasis supplied)

5. In view of para 5 of the order, I do not deem this to be a fit case to exercise review jurisdiction.

6. The review petition is accordingly dismissed.

7. Let the matter be listed before appropriate Bench on the Original Side of this Court on 22 January 2026.

C. HARI SHANKAR, J.

JANUARY 09, 2026

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