



\$~57

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

+ **CM(M) 2552/2024**

S CHAND HOTELS PVT LTD

..... Petitioner

Through: Mr. Abhinav Prakash and Mr. Kailash
Kishore, Advs.

versus

M/S FIRST BITE FRUITS AND VEGETABLES PVT LTD

..... Respondent

Through: Mr. Sourabh Gupta, Mr. Puneet
Yadav, Mr. Akshansh Gupta and Mr.
Ujjwal Chaudhary, Advs.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

%

16.05.2024

CM APPL. 28223/2024—Exp.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 2552/2024, CM APPL. 28222/2024—stay

3. The present petition has been filed to invoke the supervisory jurisdiction of this Court under Article 227 of the Constitution of India read with Section 151 of the Code of Civil Procedure, 1908 (“CPC”) impugning the order dated 27.02.2024 passed by the learned District Judge (Commercial Court)-03, West District, Tis Hazari Courts, Delhi in CS (Comm.) No. 724/23 titled as “*M/s First Bite Fruits and Vegetables Pvt. Ltd.*



vs. *S. Chand Hotels Pvt. Ltd.*” wherein the application moved on behalf of the petitioner under Order VII Rule 11 CPC was dismissed.

4. Learned counsel for the petitioner submits that the respondent had instituted a commercial suit for recovery of Rs. 5,90,424/- along with interest against Tulip Inn West Delhi, which is not a jurisdic entity.

5. Learned counsel further submits that the said argument apart from other submissions were raised before the learned Trial Court, however without considering the arguments the learned Trial Court has erred in passing the impugned order.

6. Issue notice.

7. Mr. Sourabh Gupta, learned counsel for the respondent appears on advance notice and accepts notice and submits that reply along with some documents is to be filed. Be filed within four weeks, with an advance copy to the opposite side.

8. Rejoinder, if any, thereafter be filed within two weeks with an advance copy to the opposite side.

9. List for hearing on 14.10.2024.

SHALINDER KAUR, J.

MAY 16, 2024/ss