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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 424/2025 & CM APPL. 28955/2025 CM APPL. 28956/2025,
CM APPL.28954/2025
R.K. JAINAppellant
Through: Appellant in-person.

versus

MD. ABID & ANR.Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **14.05.2025**
CM APPL. 28953/2025 (exemption)

Exemption allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

RFA 424/2025

By way of the present regular first appeal filed under section 96 read with sections 144, 151, 152 and 153 of the Code of Civil Procedure 1908, ('CPC'), the appellant seeks to challenge order and decree dated 05.12.2022 by the learned ADJ, Tis Hazari District Courts, New Delhi in civil suit bearing CS No.617/2022.

2. Mr. R.K. Jain, the appellant appearing in person, submits that his challenge is limited to the rate of interest awarded by the learned ADJ. In this behalf, Mr. Jain contends that the learned ADJ has awarded interest at 6% *per annum* which is way below the contractually agreed upon rate which is 3% *per month*.



3. Mr. Jain further submits, that an application filed by him seeking modification of the rate of interest was also dismissed *vide* order dated 14.02.2025 by the learned ADJ. A copy of that order has been appended to the present appeal.
4. Upon being queried, Mr. Jain submits that the only final 'order/judgment' passed in his favour is appended at page 17A of the paperbook. He submits that no detailed consideration of his claim in the suit was made since the learned ADJ was of the opinion that in view of the defendant having failed to file their memo of appearance within the time stipulated under Order 37 CPC, the plaintiff was entitled to a decree forthwith. The impugned order reads as follows:

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CS No. 617/22
DR. Rajesh Kumar JAIN Vs. MOHD. ABID AND ANR

05.12.2022

Present:- None for the plaintiff.
Ms. Sharanjeet Kaur , L.d. Counsel for the defendants.

The summons were served upon the defendant on 26.09.2022.
The memo of appearance was however filed on 02.12.2022 i.e. much beyond the period of limitation.

The plaintiff is entitled to a decree forthwith.

The suit of the plaintiff U/o 37 CPC is decreed in favour of the plaintiff and against the defendant for a sum of Rs.75,20,182 /- along with interest @ 6% per annum from the date of institution of the suit till the date of decree with no orders as to cost.

Decree sheet be prepared accordingly. File be consigned to record room after due compliance.

Order be given Dasti.



5. Before proceeding further with the matter, let a copy of the complete trial court record be requisitioned in electronic form. Let copy be supplied to the appellant, on request.
6. Re-notify for consideration on 16th July 2025.

ANUP JAIRAM BHAMBHANI, J.

MAY 14, 2025

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