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

+ RFA 424/2025

R.K. JAIN

.....Appellant

Through: Appellant in-person.
versus

MD. ABID & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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08.10.2025

CM APPL. 28956/2025

By way of the present application filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the appellant seeks condonation of about 14 days' delay in *re-filing* the regular first appeal.

2. For the reasons stated in the application, which is duly supported by affidavit, the delay is condoned.
3. The application is allowed and disposed-of.

CM APPL. 28954/2025

4. By way of the present application filed under section 151 CPC, the appellant seeks exemption from filing trial court record.
5. Pursuant to order dated 14.05.2025, the trial court record has been received.
6. Accordingly, the present application is disposed-of as infructuous.



RFA 424/2025

CM APPL. 28955/2025 (for condonation of 733 days' delay in filing)

7. By way of the present regular first appeal filed under section 96 CPC, the appellant impugns judgment and decree dated 05.12.2022 passed by the learned Additional District Judge, Central District, Tis Hazari Courts, Delhi, in suit bearing CS No.617/2022.
8. Although it appears that the final order dated 05.12.2022 decreeing the suit under Order XXXVII CPC, same has been appended at Annexure A-1 to the appeal, a perusal of the order sheet of order dated 10.06.2022 passed by the learned trial court shows that the trial court had placed the matter for consideration on the aspect of territorial jurisdiction on an earlier date *i.e.* 22.07.2022, since the pro-notes that were basis of the suit were executed in Jind, Haryana and certain cheques issued by the respondents were also drawn on Syndicate Bank, Jind Haryana.
9. However, *vide* order dated 22.07.2022 without delving into the question of territorial jurisdiction, the learned trial court proceeded to record as follows :

“This is a suit for recovery of Rs.75,20,182/- along with pendente-lite and future compound penal interest at agreed rates till realization of the amount filed by the plaintiff.

It is observed from the perusal of plaint that plaintiff was visiting Jind, Haryana regularly. Where the defendant approached the plaintiff for loan of Rs.1,00,000/- on 01.07.2013. Thereafter, defendant approached the plaintiff on 15.04.2014 for the second time in Delhi for a loan of Rs.50,000/-.

The defendant no. 2 issued the cheque which was drawn on Syndicate bank Jind, Haryana. However, pro notes dated 01.05.2015 and 01.06.2015 do not reflect that they have been executed by defendant no. 1 in favour of the plaintiff at Delhi.



Without going into the merits of the case and territorial jurisdiction being a matter of fact and law, going by the submissions made in the plaint, summons be issued of the suit to the defendants on filing of PF/RC through all approved modes and electronic modes via email and whatsapp."

10. Subsequently, however it appears that since no one entered appearance during the 10 days period stipulated under Order XXXVII Rules 2 and 3 CPC, the learned trial court proceeded to pass the decree *vide* order/judgment dated 05.12.2022 for the sum of Rs.75,20,182/-.
11. Though the appellant has prevailed in the suit; and has only challenged the rate of interest awarded by the learned trial court at 06% per annum, claiming the contractual rate was 03% per month, it appears necessary to consider whether the impugned judgment/order is even otherwise tenable in law since there is no order on record to show that the learned trial court delved into the question of territorial jurisdiction before proceeding to finally decree the suit under Order XXXVII CPC.
12. Issue notice.
13. Upon the appellant taking steps, let notice be sent to the respondents by all permissible modes, returnable for the next date.
14. Let the notice indicate that reply to CM APPL. 28955/2025 be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
15. No reply is required in the appeal.



16. Re-notify on 17th December 2025 before the learned Joint-Registrar for completion of service; and for completion of pleadings in CM APPL. 28955/2025.
17. List before court thereafter.
18. The appeal will be considered subject to the decision on the condonation of delay application.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 8, 2025
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