



\$~69

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

+ **RFA(COMM) 296/2025 & CM APPL. 29712/2025**

M/S SANA FOOD PRODUCTS AND ORSAppellants

Through: Mr. Saurabh Sharma, Mr. Prafulla,
Mr. Anirudh Joshi & Mr. Kuldeep
Singh, Advocates.

versus

M/S ASHWMEGH SPICES PVT LTDRespondent

Through: Appearance not given.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **15.05.2025**

1. This hearing has been done through hybrid mode.

CM APPL. 29713/2025(for exemption)

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

RFA(COMM) 296/2025 & CM APPLs. 29712/2025

3. This is a first appeal challenging the impugned judgment and decree dated 10th February, 2025 (*hereinafter, 'the impugned judgment'*) passed by the District Judge, Commercial Court- 02, North District, Rohini Courts, Delhi in CS (Comm.) No. 190/2019. The said suit is decreed in the following terms:

“ Issue No.1

XXXXXXX

15. In view of above discussion, it is held that plaintiff has successfully proved that the defendants used to purchase spices from it for which they did not repay completely and principal

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 19/05/2025 at 12:40:37



amount of Rs.6,69,753/- remained outstanding and hence, the plaintiff is entitled to that amount from all defendants jointly and severally. This issue is decided in favour of plaintiff and against all defendants.

Issue No.2

16. It is mentioned in invoices that interest at the rate of 18% per annum would be charged if payment was not made within ten days. But that rate is not only excessive but penal also and so interest at the rate of 9% per annum is granted from the date of last delivery transaction i.e. 09.11.2017 till realization with cost.

Issue No.3

17. In view of above discussion, the suit is decreed in the sum of Rs.6,69, 753/- and defendants are jointly and severally liable to pay the said amount to the plaintiff with interest at the rate of 9% per annum from the date of last delivery transaction i.e. 09.11.2017 till realization with cost.”

4. It is submitted on behalf of the Appellants that the evidence in this case has not been conducted in a proper manner and certain documents which cannot be exhibited have also been exhibited by the Respondent/Plaintiff.
5. Ld. counsel for the Petitioner submits that till date, no petition for execution of the impugned judgment has been filed.
6. Accordingly, issue notice.
7. Let the Respondent be served through their Counsel who has appeared on their behalf in the Trial Court.
8. In the meantime, subject to deposit of a sum of Rs. 5.5 lakhs, which is approximately 50% of the entire decretal amount with the Registrar General of this Court by 15th July, 2025, the operation of the impugned judgment shall

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 19/05/2025 at 12:40:37



remain stayed.

9. List before Court on 3rd September, 2025.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MAY 15, 2025/da/ss

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 19/05/2025 at 12:40:37