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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 451/2025
MANOJ GUPTAAppellant

Through: Mr. Chandra Shekhar Yadav and Mr.
Astitva Srivastava, Advocates.

versus

M.M.T.C. LIMITEDRespondent

Through:

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **19.05.2025**

CM APPL. 30591/2025 (exemption)

Exemption allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CM APPL. 30592/2025 (condonation of delay in re-filing)

By way of the present application filed under section 5 of the Limitation Act, 1963 read with section 151 of the Code of Civil Procedure 1908 ('CPC'), the appellant seeks condonation of about 45 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 stands disposed-of.



CM APPL. 30590/2025 (condonation of delay in filing)

4. By way of the present application filed under section 5 of the Limitation Act, 1963 read with section 151 CPC, the appellant seeks condonation of about 05 days' delay in *filing* the regular first appeal.
5. For the reasons stated in the application, which is duly supported by affidavit, the delay is condoned.
6. The appeal is taken on Board.
7. The application is allowed, and stands disposed-of.

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8. By way of the present regular first appeal filed under section 96 CPC, the appellant impugns judgment and decree dated 02.12.2024 passed by the learned District Judge, South District, Saket Courts, New Delhi in suit bearing CS (COMM) No. 84/2020.
9. Issue notice.
10. Upon the appellant taking steps, let notice be sent to the respondent by all permissible modes, returnable for the next date.
11. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
12. Re-notify on 01st September 2025 before the learned Joint-Registrar for completion of service.
13. List before court thereafter.

CM APPL. 30589/2025 (stay)

14. The appellant seeks stay of judgment and decree dated 02.12.2024.
15. Issue notice.
16. Upon the appellant taking steps, let notice be sent to the respondent by all permissible modes, returnable for the next date.



17. Let the notice indicate that reply to the application be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
18. Mr. Chandra Shekhar Yadav, learned counsel appearing for the appellant submits, that a perusal of the cross-examination of the respondent's witness/PW-1 reveals that he had failed to provide any specifics or particulars as to when the goods booked by the appellant were allegedly sold by the respondent on the high seas sale to a third-party, resulting in a loss.
19. Mr. Yadav further argues, that in these circumstances the amount awarded against the appellant is in the nature of damages, which requires re-consideration.
20. Mr. Yadav further points-out, that as recorded in para 35 read with para 41 of the impugned judgment, out of the principal decretal amount of Rs.5,80,605/-, the sum of Rs. 1,00,000/- has already been deposited by the appellant with the respondent. In view thereof, the balance principal decretal amount comes to Rs. 4,80,605/-.
21. In view of the above, subject to the appellant depositing the *balance principal decretal amount* within *06 weeks*, the effect and operation of the impugned judgment and decree shall remain *stayed*, till the next date of hearing before this court.
22. The Registrar General is directed to retain the amount deposited in the form of a fixed deposit in a nationalised bank, initially for a period of 06 months; to be renewed for the same period from time-to-time, without awaiting any further directions from this court in that behalf, unless otherwise directed by the court.



23. The Registry is directed to bring to the notice of this court any non-compliance with the directions issued above.
24. Re-notify on 01st September 2025 before the learned Joint-Registrar for completion of pleadings in this application.
25. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

MAY 19, 2025

V.Rawat