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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA(COMM) 208/2024**

SARAOGI SUPER SALES PVT. LTD. APPELLANT
Through: Mr. Varun Bedi, Advocate.

versus

RAHUL KUMAR AGARWAL RESPONDENT
Through: None.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **27.05.2024**

[Physical Hearing/Hybrid Hearing (as per request)]

CM 32121/2024

1. Allowed, subject to the appellant filing legible copies of the annexures, at least three (03) days before the next date of hearing.

CM 32122/2024 [Application filed on behalf of the appellant seeking condonation of delay of 30 days in re-filing the appeal]

2. This application has been filed on behalf of the appellant to seek condonation of delay in re-filing the appeal.

3. According to the appellant, there is a delay of 30 days.

4. Having regard to the period involved, we are inclined to condone the delay.

4.1 It is ordered accordingly.

5. The application is closed.

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6. This is an appeal preferred against the judgment and decree dated 12.02.2024, passed by the learned District Judge, Commercial Court-03, Shahdara District, Karkardooma Courts, New Delhi.

7. *Via* the impugned judgment, the learned District Judge dismissed the suit filed by the appellant/ plaintiff.

8. A perusal of the impugned judgment shows that the suit has been dismissed on the ground that the appellant/ plaintiff was unable to show that the subject goods had been sold and delivered to the respondent/ defendant.

8.1 We may note that the right of the respondent/ defendant to file a written statement was closed by the Court.

9. According to us, the matter requires further examination.

10. Issue notice to the respondent / defendant *via* all permissible modes, including e-mail.

11. List the matter on 01.10.2024.

12. Meanwhile, the Registry is directed to summon the trial court record, and place the same before the Court, *albeit* in digitized form, prior to the next date of hearing.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MAY 27, 2024

PB

[Click here to check corrigendum, if any](#)

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