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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 295/2020**

M/S. A TO Z FACILITATORS PVT. LTD. Appellant
Through: Mr. Sidharth Mittal, Advocate

versus

URMILA BHATIA Respondent
Through:

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH
ORDER
% **07.12.2020**

Hearing has been conducted through Video Conferencing.

CM APPL. 31582/2020

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

RFA 295/2020

This is an appeal filed by the appellant against the judgement and decree dated 30.06.2020 whereby the Summary Suit filed by the Respondent has been decreed and the application of the Appellant for leave to defend has been rejected.

Mr. Mittal learned counsel for the Appellant submits that the Trial Court has failed to appreciate the provisions of sub-Rule 5 of Rule 3 Order XXXVII CPC which make it clear that leave to defend can only be denied in the circumstances that there is no substantial defence or the defence is vexatious. He submits that the cheques which are being relied upon were



issued in the year 2017 and were towards payment and disbursement of salary of the staff. It is contended that the Respondent had not even placed on record the alleged MOU relied upon by her and the statement of account to show that the Appellant had made a profit of Rs.55 Lakh. In fact the profit and loss account of the Appellant reflected that it had only made a profit of around Rs.26 Lakh from which Rs.14 Lakh are still recoverable from the clients and the Respondent had in fact received in excess of Rs.8 Lakh i.e. more than her share.

Issue notice to the Respondent through all permissible modes, on the Appellant taking requisite steps, returnable on 19th March, 2021.

CM APPL. 31581/2020

Issue notice to the Respondent through all permissible modes, on the Appellant taking requisite steps, returnable on 19th March, 2021.

On the Appellant depositing 50% of the Decretal amount within two weeks from today with the Registrar General of this Court, the operation of the impugned judgement and decree dated 30.06.2020 shall remain stayed till the next date of hearing. The amount so deposited shall be kept in an interest bearing Fixed Deposit with a Nationalised Bank to be renewed from time to time.

JYOTI SINGH, J

DECEMBER 7, 2020
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