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

+ **RFA(COMM) 276/2024 & CM APPL. 40968-40970/2024**

KUNAL SINDHI

.....Appellant

Through: Mr Rupesh Gupta and Ms Kritika,
Advocates.

versus

M/S SANDHU MOTORS FINANCE PVT. LTDRespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **22.07.2024**

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

CM APPL. 40970/2024

1. Allowed, subject to just exceptions.

RFA(COMM) 276/2024 & CM APPL. 40968/2024 [Application filed on behalf of the petitioner/appellant seeking interim relief], CM APPL. 40969/2024 [Application filed on behalf of the appellant/petitioner seeking condonation of delay of 887 days in filing the appeal/writ petition]

2. This appeal is directed against the judgment and decree dated 29.10.2021 passed by Mr Sanjay Sharma-I, learned District Judge (Commercial Court), East, Karkardooma Courts in CS(COMM) no.257/2020.

3. *Inter alia*, learned counsel for the appellant/defendant submits that the rate of interest awarded in favour of the respondent/ plaintiff is 30% per

RFA(COMM) 276/2024

Page 1 of 2



annum. Furthermore, it is contended that interest upon interest at the rate of 30% per annum has also been granted.

4. The principal amount, according to the suit action, is Rs.5,50,000/-.

5. Learned counsel for the appellant/defendant says that Rs.5,00,000/- has already been paid to the respondent/plaintiff.

6. Besides the aforesaid, learned counsel for the appellant/defendant says that the appellant's/defendant's case is that he was never served with the summons and therefore, the delay in preferring an appeal.

6.1 Notwithstanding the aforesaid, learned counsel for the appellant/defendant says that he will deposit Rs.2,00,000/- with the Registry of this Court within the next two (2) weeks.

7. The matter needs further examination.

8. Issue notice to the respondent/plaintiff *via* all permissible modes including e-mail.

9. Upon the appellant/defendant depositing Rs.2,00,000/- within the next two (2) weeks, with the Registry of this Court, there shall be, for the moment, a stay on the operation of the impugned judgment and decree.

10. List on 18.11.2024.

11. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JULY 22, 2024/ PB

Click here to check corrigendum, if any