



\$~91

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA(COMM) 367/2025, CM APPL. 40688/2025, CM APPL. 40689/2025, CM APPL.40690/2025 & CM APPL. 40691/2025**

M/S ORIENTAL INSURANCE CO. LTD.Appellant
Through: Mr. Kanwar Kochhar, Adv.
versus

MOHD FAHIM & ANR.Respondents
Through: Mr. Gurpreet Singh and Mr. R.B. Singh, Advs. for R-1.
(M:9810822167)

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

ORDER
% **15.07.2025**

1. This hearing has been done through hybrid mode.

CM APPL.40689/2025 (for exemption)

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

CM APPL.40690/2025 (for condonation of delay)

3. For the reasons stated in the application, delay of 31 days in filing the appeal is condoned. Application is disposed of.

RFA(COMM) 367/2025, CM APPL.40688/2025 & CM APPL. 40691/2025

4. The present appeal has been filed on behalf of the Appellant- M/s Oriental Insurance Co. Ltd. under Section 96 of the CPC, 1908 challenging the impugned judgment and decree dated 27th March, 2025 passed by the District Judge (Commercial-11), Central District, Tis Hazari Courts, Delhi in ***CS (COMM) 916/2024***.

5. Vide the impugned judgment, the Trial Court *inter alia* decreed the suit



against the Appellant herein, in the following terms:

“62. In view of the above, suit of the plaintiff is decreed with cost for Rs.10,23,827/- with 12% interest w.e.f. 01.09.2020 (as per date of repudiation) onwards pendente lite and till realization). Plaintiff's Lawyer's fees is assessed as Rs.75,000/-.”

6. Considering that this is a money decree, issue notice. Notice is accepted by Mr. Gurpreet Singh, Id. Counsel for the Respondent No.1.
7. Subject to deposit of Rs.10,23,827/- by the Appellant, with the Registrar General of this Court within a period of four weeks, the execution proceedings being, ***Execution (Comm.) No. 256/2025*** shall remain stayed.
8. It is made clear that if the said deposit is not made by the Appellant by 14th August, 2025, the stay automatically stands vacated.
9. The execution proceedings being, ***Execution (Comm.) No.256/2025*** shall be adjourned to the first week of September, 2025.
10. Trial Court Record be requisitioned by the next date of hearing.
11. Court fee be deposited within five days, failing which, the above order shall not be given effect to. ***CM APPL. 40691/2025*** is, accordingly, disposed of.
12. List on 23rd September, 2025.
13. *Dasti.*

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

JULY 15, 2025/dk/rks