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

+ **RFA(COMM) 449/2025 & CM APPL. 47778, 47779/2025**

MR. MOHIT JAIN AND ANR

.....APPELLANT

Through: Sh. Sunil K. Mittal, Advocate with
Mr. Anshul Mittal, Ms. Kushi
Aggarwal, Advocates along with
appellant no. 1 in person.

versus

RAJ KUMAR DHINGRA AND ORS

.....RESPONDENT

Through:

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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13.08.2025

CM APPL. 47777/2025 (Exemption)

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

RFA(COMM) 449/2025

1. Drawing support from the judgement of the *House of Lords* case of *Salomon v Salomon & Co. Ltd*, 1897 AC 22, which is subsequently followed in *Tata Engineering and Locomotive Co. Ltd. v. State of Bihar*, 1964 SCC Online SC 111, *Mr. Sunil K. Mittal*, learned counsel appearing for appellant/Judgment Debtor, contends that the decree dated 28th April 2025, was passed without considering the appellant's limited liability as



Directors.

2. Counsel for appellant claims that there were no allegation of misrepresentation of figures and, as such, it cannot be held that, in the matter of manging the company business, appellant had conducted themselves in a manner which can be said to be detrimental to the object of the Memorandum of Association.
3. His contentions are that even the Trial Court has failed to record any finding to that effect and, as such, the impugned judgment is not maintainable.
4. He further urged that the liability fastened towards the arrears of maintenance and fitting/ fixtures, to the extent of Rs. 32,05,000/-, is based on absence of agreement with respondent/Decree Holder.
5. Issue notice to the respondents on steps being taken by petitioner through all permissible modes including email.
6. List on 15th October 2025.
7. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

AUGUST 13, 2025/RK/zb