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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **RFA(COMM) 358/2024 & CM Nos.50719-21/2024**

M/S. PRAKASH STEELS AND ANR.APPELLANTS

Through: Mr R.K. Jain, Adv.

versus

M/S. BHARTIYA LOHA UDYOG PVT. LTD.....RESPONDENT

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **02.09.2024**

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

CM No.50720/2024

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

RFA(COMM) 358/2024, CM No.50719/2024 [Application filed on behalf of the appellants seeking condonation of delay of 65 days in filing the appeal] & CM No.50721/2024 [Application filed on behalf of the appellants seeking condonation of delay of 47 days in re-filing the appeal]

2. This appeal is directed against the judgment and decree dated 06.03.2024, passed by the trial court.

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3. The suit has been decreed in favor of the respondent/plaintiff by the trial court for Rs.8,03,908/-, along with interest at the rate of 12% per annum, commencing from 18.12.2017 till its realization.

3.1 In addition, costs have also been awarded to the respondent/plaintiff.

4. It appears that the appellants/defendants had issued a cheque for Rs.8,03,908/-.

4.1 Furthermore, the trial court has also recorded that prior to the institution of the suit, there was no intimation with regard to the purported defect in the subject goods supplied by the respondent/plaintiff.

5. Mr R.K. Jain, learned counsel, who appears on behalf of the appellants/defendants, says that the cheque in issue was misused by the respondent/plaintiff.

6. According to Mr Jain, only Rs.1,11,299/- was due and payable by the appellants/defendants.

7. The matter would require further examination of the record.

8. Accordingly, issue notice to the respondent *via* all permissible modes, including e-mail.

9. Mr Jain says that he has consciously not filed an application for stay.

9.1 It is, therefore, made clear that if execution proceedings have been instituted or are likely to be instituted by the respondent/plaintiff, there shall be no impediment concerning the same pending the appeal.



10. List the matter on 16.01.2025.
11. The Registry will summon the trial court record and place the same before us, *albeit* in digitized form, prior to the next date of hearing.

RAJIV SHAKDHER, J

AMIT BANSAL, J

SEPTEMBER 2, 2024

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Click here to check corrigendum, if any

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