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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA(COMM) 624/2025 & CM APPL. 69919/2025**

LANKA SPICE (PVT.) LIMITEDAPPELLANT
Through: Mr. Manan Bansal, Adv.
versus

GOBIND MACHINERY WORKSRESPONDENT
Through: Appearance not given.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

ORDER
% **10.11.2025**

1. This hearing has been done through hybrid mode.

CM APPL. 69918/2025 (for exemption)

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

CM APPL. 69919/2025

3. The delay in refiling of the application is condoned. Application is disposed of.

RFA(COMM) 624/2025

4. The present appeal challenges the impugned judgment dated 2nd May, 2025 by which the suit of the Appellant/Plaintiff for recovery of USD 73,554 has been dismissed on the ground that the Plaintiff was unable to prove that there was a concluded contract between the parties.

5. The case of the Appellant is that there was no contract executed between the parties but the amount was paid as the advance towards the supply of spices. Thereafter, the Respondent started making unreasonable demands due to which, the Appellant decided not to take the supply anymore



and the contract was still being negotiated. However, the grievance of the Appellant is that the amount which was paid has now been retained by the Respondent without any legal basis. Hence, the suit for recovery was filed by the Appellant/Plaintiff.

6. Issue notice. The Respondent shall be served through all prescribed modes.
7. List before the Joint Registrar on 15th December, 2025 for completion of service.
8. List before the Court on 25th March, 2026.
9. The paper book of the Trial Court record shall be requisitioned before the next date of hearing.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

NOVEMBER 10, 2025/pd/ss