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

+ **CM(M) 2392/2025**

SH ANIL PITTI

.....Petitioner

Through: Mr. Kushagra Bansal, Advocate

versus

BRAHM GUPTA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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10.12.2025

CM APPL. 77853/2025 & CM APPL. 77854/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM(M) 2392/2025 & CM APPL. 77852/2025 (for stay)

2. Petitioner/plaintiff has assailed order dated 07.11.2025 passed by the learned commercial court, whereby applications under Order VIII Rule 1 CPC in the suit and the counter-claim were allowed but application of the petitioner/plaintiff for rejection of counter-claim under Order VII Rule 11 CPC was dismissed. It is only the dismissal of application under Order VII Rule 11 CPC which is challenged by the petitioner/plaintiff.

3. The core issue raised by the petitioner/plaintiff is non-compliance with Section 12A of the Commercial Courts Act prior to the institution of the counter-claim. On this aspect, learned trial court has referred to a judicial precedent in paragraph 48 of the impugned order. But learned counsel for petitioner/plaintiff contends that in the said precedent, the suit and the



counter-claim was between the same parties pertaining to same transaction but in the present case, the counter-claim deals with the claims of parties, other than the counter-claimant also.

4. Subject to petitioner taking steps within one week, notice through all modes be issued to the respondent, returnable on 25.03.2026 before Registrar.

GIRISH KATHPALIA, J

DECEMBER 10, 2025

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