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

+ RFA(COMM) 13/2025 CM APPL. 1392/2025 CM APPL. 1393/2025
CM APPL. 1394/2025

M/S AAKURTI BOARDLAM PRIVATE LIMITED

.....Appellant

Through: Mr. Rauf Rahim, Mr. Dhruvik Patel
Mr. Ali Asghar Rahim and Mr.
Soham Datta, Advocates.

versus

M/S. NIKUNJ WOODS PRIVATE LIMITED

.....Respondent

Through:

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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10.01.2025

1. Issue notice. Notice shall go by speed post and approved courier.
Dasti in addition.
2. The appellant has filed the present appeal impugning a judgment and decree dated 21.09.2024 awarding a sum of ₹9,80,262/- along with simple interest @ 9% p.a. from 01.05.2017 till the date of realization.
3. We are not persuaded to pass any order to unconditionally stay the said judgment and decree. The learned commercial court had noted that there was no dispute that the plaintiff before the commercial court had advanced a sum of ₹15,43,400/-. Further, it was not disputed that the appellant had supplied the material only valued at ₹5,63,138/- against the



said advance and thus a sum of ₹9,80,262/- was admittedly outstanding.

4. It was the appellant's case that it is ready to supply the goods in question. However, it is not the appellant's case that it had, in fact, supplied the goods.

5. In view of the above, we consider it apposite to direct that the impugned judgment and decree shall be stayed subject to the appellant depositing the entire decretal amount, including interest, with the Registry of this Court within a period of two weeks from date. The said amount be invested in an interest bearing FDR with an auto-renewal clause, in the name of the Registrar General of this Court.

6. The Registry is directed to place on record the digital copy of the Trial Court Record on record before the next date of hearing.

7. List on 01.04.2025.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

JANUARY 10, 2025

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Click here to check corrigendum, if any