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

+ RFA(COMM) 710/2025 CM APPL. 79823/2025

GOPAL DUTT

.....APPELLANT

Through: Mr. Himanshu Pathak, Adv. (VC)

versus

NEERAJ NATH SHARMA & ANR.

.....RESPONDENTS

Through: Mr. (*Appearance not given*) (VC)

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE VINOD KUMAR

ORDER

% **21.04.2026**

1. Learned counsel for the appellant invited Court's attention towards Para E of the written statement and submitted that in spite of the fact that a plea was taken by the appellant that the plaintiff did not have valid license under the Punjab Registration of Money-Lenders Act, 1938 (*hereinafter referred to as 'the Act of 1938'*), the Court had neither framed an issue in this regard nor has decided the same and proceeded to pass decree.
2. Learned counsel further invited Court's attention towards the cross examination of the plaintiff and pointed out that the plaintiff had admitted that validity of his license under the Act of 1938, was over, when the amount was lent.
3. Learned counsel for the respondent, on the other hand submitted that the respondent had applied for renewal of the license and the Trial Court on the basis of provisions contained in Section 5 of the Act of 1938 has held



that the license was valid because the respondent no. 1-plaintiff had filed an application for renewal.

4. Admit.
5. Issue notice.
6. Learned counsel for the respondent accepts notice.
7. List this case on 22.07.2026.
8. Let the Trial Court record be requisitioned both in physical and digitized form.
9. Meanwhile, in case the appellant deposits a sum of Rs. 4,15,000/- in the Trial Court, the execution proceedings shall remain stayed.

DINESH MEHTA, J

VINOD KUMAR, J

APRIL 21, 2026/sr