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

\+ **RFA(COMM) 6/2026**

SHILPA .....Appellant

Through: Mr. V. K. Sharma, Adv.

versus

NARINDER SINGH .....Respondent

Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE MADHU JAIN

O R D E R

% 08.01.2026

CM APPL. 270/2026 (for exemption)

1. Allowed, subject to all just exceptions. The application is disposed of.

CM APPL. 272/2026 (for condonation of delay)

2. This is an application seeking condonation of delay of 03 days as per old rules and 23 days as per the amended rules.

3. For the reasons stated in the application, the delay is condoned.

4. Application is disposed of.

RFA(COMM) 6/2026 & CM APPL. 271/2026 (for interim order)

5. The present appeal has been filed by the Appellant/Defendant *(hereinafter, 'Appellant')* under Section 13 of the Commercial Courts Act, 2015, *inter alia*, assailing the impugned judgment and decree dated 3rd September, 2025 passed by the ld. District Judge (Commercial Court)-03, West District, Tiz Hazari Courts, Delhi in ***CS (COMM) No. 5/2024*** titled

'ShNarinder Singh v. Ms. Shilpa' *(hereinafter, 'impugned judgment and decree').*

6. *Vide* the impugned judgment and decree, the suit of the Respondent/Plaintiff *(hereinafter, 'Plaintiff')*has been decreed in the following terms:

> *"4. The defendant filed the detailed WS as on 13.09.2024, however, vide order dated 18.09.2024, it was observed that the said WS was filed beyond the maximum period of 120 days reckoned from the date of service and accordingly, it was take off the record and the defence of the defendant stood 'struck off'.*
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> *5. The evidence on behalf of the Plaintiff was led through the AR of the Plaintiff; who filed the affidavit of evidence Ex. PW1/A and the same was tendered as such; on 25.04.2025 relying upon the documents shown exhibited as Ex. PW1/1 to PW1/9. These documents very well include 19 invoices and 19e.way bills shown collectively exhibited as Ex. PW1/6. The Suit of the Plaintiff is well within the limitation period. The Plaintiff has duly proved the business transactions and the supply of goods to the defendant. The witness has also proved that the defendant was in arrears thereof and accordingly there are no reasons to disbelieve the unrebutted testimony. The Suit thus deserves to be decreed. However, as far as the interest @ 24% p.a. is concerned, it is apparently on higher side and is adjudged to be @ 6% p.a. as the same would serve the purpose involved herein.* ***Accordingly, Suit of the plaintiff is hereby decreed in his favour and against the defendant for a sum of Rs. 30,36,038/- with interest @ 6% p.a. w.e.f date of filing i.e. 23.12.2023 till its realization along with costs of the Suit. Decree Sheet be prepared accordingly. File be consigned to record room****."*

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7. Mr. V.K. Sharma, ld. Counsel for the Appellant submits that the Plaintiff has miserablyfailed to prove that there was actual delivery of goods. Further, ld. Counsel places vehement reliance upon the cross-examination of the Plaintiff witness, where the witness states that there is no counter signing by the Appellant upon the invoicesreceiving the goods.

8. Additionally, ld. Counsel also places reliance upon the decision of the Coordinate bench of this Court in ***RFA 4/2008*** titled ***Harish Mansukhani v. Ashok Jain*** to argue that the actual delivery of the goods has tobe proved by the Plaintiff.

9. The Court has considered the matter. The suit of the Plaintiff was for seeking recovery of a sum of Rs. 30,26,038/- along with interest. The case of the Plaintiff was that certain readymade garments were supplied to the Appellant and that the Plaintiff and Appellant had been in regular business since April 2020.

10. There was a running account being maintained by the Plaintiff in its accounting books and a complete list of all the bills which have been raised against the Appellant have been placed on record.

11. The further case of the Plaintiff is that the Appellant acknowledged the outstanding dues, however, did not make the outstanding payment to the Plaintiff.

12. The present suit was in the nature of the commercial suit where the Appellant failed to file the written statement in time and the defense stood struck off. Thus, the Appellant only had the option of cross-examining the Plaintiff witness. The same has already been done by the Appellant.

13. After considering the entire matter, it is clear that a money decree has been passed by the Commercial Court.

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14. *Prima facie,* without going into the merits, at this stage, the impugned decree being a money decree, the Court is inclined to issue notice in the appeal.

15. Issue notice.

16. At this stage, ld. Counsel for the Appellant submits that no execution petition has been filed till date. Accordingly, till the next date of hearing the impugned judgment and decree shall not be executed, subject to deposit of Rs. 15 lakhs by the Appellant, which constitutes 50% of the principal amount, by 28th February, 2026.

17. The aforesaid amount shallbe deposited with the Registrar General's account. If the aforesaiddeposit is not made by the Appellant, the Plaintiff isat liberty to execute the impugned decree.

18. Let the Trial Court recordbe requisitioned and be tagged along with the electronic record of this Court.

19. List before Joint Registrar on 4th February, 2026.

20. List on 20th April, 2026.

21. *Dasti.*

PRATHIBA M. SINGH, J

MADHU JAIN, J

JANUARY 8, 2026/*prg/sm*

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