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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA(COMM) 156/2025 & CM APPLs. 16135/2025, 16136/2025**
SANDEEP SINGLAAPPELLANT
Through: Mr. Rajesh Tyagi, Adv.

versus

M/S JIVAA RETAILS INDIA PVT LTDRESPONDENT
Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **19.03.2025**

1. This hearing has been done through hybrid mode.

CM APPL. 16135/2025(for exemption)

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

CM APPL. 16136/2025(for delay)

3. This is an application for condonation of delay in re-filing the present Appeal. For the reasons stated in the application, the delay is condoned. Application is disposed of.

RFA(COMM) 156/2025

4. The present Appeal has been filed by the Appellant seeking setting aside of the judgement dated 04th September, 2024, passed by the Id. District Judge (Commercial Court)-04, West, Tis Hazari Courts, Delhi (*hereinafter 'impugned judgment'*).
5. The Respondent/Plaintiff had filed a suit bearing **CS (Comm) No. 139/2022** titled **M/s Jivaa Retails India Pvt. Ltd. v. M/s VL Marketings & Anr.** before the District Judge (Commercial Court)-04, West, Tis Hazari



Courts, Delhi, seeking recovery of a sum of Rs. 11,40,709/-. The Appellant herein who is Defendant No. 2 in the said suit had filed a counter-claim bearing **Counter Claim (Comm.) No. 71/2022** titled **M/s VL Marketings & Anr. v. M/s Jiva Retails India Pvt. Ltd.**

6. Vide the Impugned Judgment, both the suit as well as the counter claim have been dismissed by the District Judge.

7. Notice has already been issued in the connected appeal being **RFA (Comm) 539/2024** titled '**M/s Jivaa Retails India Pvt. Ltd. v. M/s VL Marketings & Anr.**' wherein the Respondent/Plaintiff has challenged the dismissal of the said suit being **CS (Comm) No. 139/2022** . Accordingly, issue notice in the present Appeal as well.

8. Service upon the Respondent through counsel is permitted.

9. List along with connected appeal on 16th July, 2025.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

MARCH 19, 2025

dj/ss