

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Writ Petition No. 12996/2022

M/s Ramdev And Company, Gali No. 196, Bilas Rai Katra,  
Jamunalal Bajaj Stree, Burra Bazar, Colcutta (West Bangal)  
Through Its Owner Shri Sunil Damani S/o Late Shri Navratan  
Damani, Aged 47 Years.

----Petitioner

Versus

M/s Shri Rama International, 15, Raj Sarowar, In Front Of  
Victorian Palace, Shobhawato Ki Dhani, Jodhpur Through Its  
Proprietor Shri Bajrang Lal Agrawal S/o Shri Jagdish Lal Agrawal.

----Respondent

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| For Petitioner(s) | : Mr. Shreyansh Bhandari. |
| For Respondent(s) | : Mr. Ayush Goyal.        |

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**HON'BLE MR. JUSTICE MUKESH RAJPUROHIT**

**Order**

**10/02/2026**

1. By way of the present writ petition, the petitioner–defendant has assailed the order dated 02.07.2022 (Annex.8) passed by the learned Judge, Commercial Court No. 1, Jodhpur in Civil Misc. “B” Case/NCV No. 46/2021 (*M/s Ramdev & Company vs. M/s Shri Rama International*), whereby, while accepting the application under Section 5 of the Limitation Act, application under Order XXXVII Rule 4 of C.P.C. filed by the petitioner–defendant for setting aside ex-parte judgment & decree dated 19.04.2021 (Annex.3) passed in the recovery suit instituted by the respondent–plaintiff, was dismissed.

2. During the course of arguments, learned counsel for the parties jointly submit that, in order to afford a fair opportunity to

both sides and to avoid further protracted litigation, the matter may be remanded to the learned Commercial Court for fresh adjudication of the suit on merits.

3. Learned counsel appearing for both parties state, on instructions, that they have no objection if the ex-parte judgment and decree dated 19.04.2021 (Annex.3) and the order dated 02.07.2022 (Annex.8) both are set aside and the suit is restored to its original number for decision afresh in accordance with law.

4. In view of the joint statement and with the consent of learned counsel for the parties, the writ petition is disposed of with the following directions:

- (a) The ex-parte judgment and decree dated 19.04.2021 passed by the learned Commercial Court No. 1, Jodhpur in Civil Original Suit/NCV No. 20/2021 (M/s Shree Rama International vs. M/s Ramdev & Company) and the order dated 02.07.2022 passed in Civil Misc. "B" Case/NCV No. 46/2021 (M/s Ramdev & Company vs. M/s Shree Rama International) are hereby set aside.
- (b) The application filed by the petitioner–defendant under Order XXXVII Rule 4 of C.P.C. shall be treated as allowed for the limited purpose of restoration of the suit.
- (c) The suit filed by the respondent–plaintiff shall stand restored to its original number before the learned Commercial Court No. 1, Jodhpur.
- (d) The learned Commercial Court shall grant due and reasonable opportunity of hearing to both parties, including opportunity to file pleadings, documents and evidence,

strictly in accordance with the provisions of the Commercial Courts Act, 2015 and the amended provisions of the Code of Civil Procedure applicable to commercial disputes.

- (e) The learned Commercial Court shall thereafter decide the suit afresh on merits, strictly in accordance with law, and shall make every endeavour to conclude the proceedings within the limitation and timelines prescribed for disposal of commercial disputes under the Commercial Courts Act, 2015.
  - (f) All rights and contentions of the parties are kept open and shall be decided independently without being influenced by any observations contained in the earlier orders.
  - (g) The parties are directed to appear either in person or through counsel, before the learned Commercial Court on 23.02.2026.
5. The stay application and all pending application(s), if any, shall also stand disposed of.
6. No order as to costs.

**(MUKESH RAJPUROHIT),J**