

\$~7(2021)

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

% *Date of decision: 22.11.2021*

+ **RFA(COMM) 4/2021 & CM APPL. 7806/2021**

SIGMA SUPPLY CHAIN SOLUTIONS PVT LTD & ORS.

..... Appellants

Through : Mr. Kumar Ankur and Mr. Bipul
Kedia, Advs. For A-1 to 5.

versus

M/S EXTRA MILE CARGO MOVERS & ANR. Respondents

Through : Mr. G.L. Verma, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER, J.: (ORAL)

[Physical Hearing/Hybrid Hearing (as per request)]

1. This appeal is directed against the judgment and decree of the Learned District Judge, dated 24.11.2020 and 26.11.2020, respectively.

1.1. The Learned District Judge decreed the summary suit filed by respondent no.1 [i.e., the plaintiff], upon dismissing the application for condonation of delay.

1.2. The suit has been decreed for Rs. 17,60,518/-, along with interest at the rate of 18% per annum.

1.3. Via the impugned judgment, the Learned District Judge has denied the relief sought for, concerning future interest.

1.4. The Learned District Judge has also not granted any relief, vis-à-vis litigation expenses or fees payable to the counsel for respondent

no.1/plaintiff.

2. The record shows that, on 25.02.2021¹, we had issued notice in the appeal, and the operation of the impugned judgement was stayed, subject to the appellants depositing Rs. 17,60,518/- with the concerned District Court.

2.1. We are informed by the counsel for the appellants that the aforesaid deposit has been made.

3. We have also heard learned counsel for respondent no.1/plaintiff i.e., Mr. G.L. Verma.

4. After some arguments, counsel for the parties are agreed that the appeal and the pending application can be disposed of, based on the following directions:-

(i) Out of the sum of Rs. 17,60,518/-, Rs. 6 lakhs, be released to respondent no.1/plaintiff, in respect of the claim made in the suit.

(ii) The appellants shall have leave to file a written statement, within thirty days from today.

(iii) In case the written statement is filed, respondent no.1/plaintiff will file its replication, within two weeks from the date of receipt of the written statement.

(iv) Both the parties will file their affidavit(s), concerning admission and denial of documents, along with their written statement/replication.

(v) The Learned District Judge will fix the matter for framing of issues, immediately after admission/denial of documents has taken place.

(vi) An endeavour shall be made by the Learned District Judge to dispose of the suit, after fixing a schedule for filing the affidavit(s) of evidence and

¹ As modified by the order dated 22.04.2021.

cross-examination of witnesses, within six months from the date of the receipt of a copy of this order.

(vii) The Learned District Judge shall ensure that the balance amount is invested in an interest bearing fixed deposit, maintained with a nationalised bank.

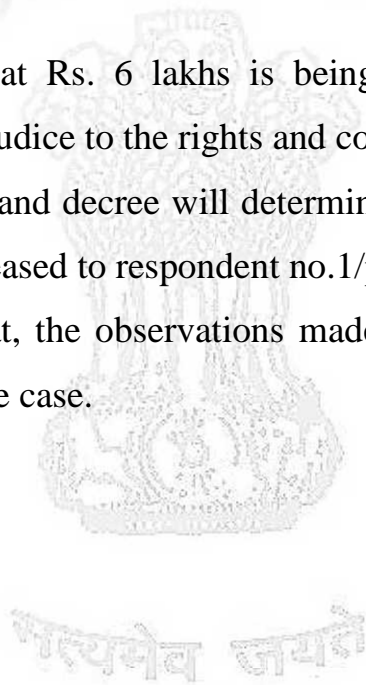
4.1. It is ordered accordingly.

4.2. Resultantly, the impugned judgement and decree are set aside. The appeal is allowed in terms of directions contained in paragraph 4 hereinabove.

5. It is made clear that Rs. 6 lakhs is being released to respondent no.1/plaintiff, without prejudice to the rights and contentions of both parties.

5.1. The final judgment and decree will determine the fate of the amount, which is directed to be released to respondent no.1/plaintiff at this stage.

6. Needless to add that, the observations made by us hereinabove will not impact the merits of the case.



(RAJIV SHAKDHER)
JUDGE

(TALWANT SINGH)
JUDGE

NOVEMBER 22, 2021/dss

Click here to check corrigendum, if any