



2025:DHC:311-DB



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

Date of decision: 21.01.2025

+ RFA(COMM) 46/2025
METOMATIC INDUSTRIES PVT.LTDAppellant
Through: Dr.Amit George, Mr.Nitesh
Mehra, Ms.Hitankshi Mehra,
Ms.Ananya Sikri, Mr.Dushyant
Kishan Kaul, Advs.

versus

PRV ALLOYS LLPRespondent
Through: Nemo

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 3825/2025 (Exemption)

1. Allowed, subject to all just exceptions.

RFA (COMM) NO. 46/2025 and CM APPL. 3824/2025

2. This appeal has been filed by the appellant, challenging the Order dated 23.12.2024 passed by the learned District Judge (Commercial Court-01), Shahdara District, Karkardooma Courts, Delhi in CS(COMM) 442/2024, titled *PRV Alloys LLP v. Metomatic Industries Private Limited*, partially decreeing the suit in favour of the plaintiff/respondent herein for a sum of Rs.12,98,040/-, under Order XII Rule 6 of the Code of Civil Procedure, 1908 (in short,



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on the submission made, by the learned counsel for the appellant itself in the course of the hearing. Though the learned counsel for the appellant submits that there was no such admission made and the plea of lack of jurisdiction of the Court was never given up as is evident from the penultimate paragraph of the Impugned Order, we are of the opinion that if that be so, the remedy of the appellant would be to first move to the learned Trial Court in form of a review application.

7. We, therefore, dispose of this appeal by granting liberty to the appellant to file an application seeking review of the Impugned Order dated 23.12.2024, before the learned Trial Court.

8. We make it clear that we have not considered the plea of the appellant on merits, and in case the Order of the learned Trial Court is adverse to the interest of the appellant, it shall be open to the appellant to challenge the Impugned Order, as well as the Order passed on the review application, in accordance with the law.

9. The appeal is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 21, 2025/Arya/IK

[Click here to check corrigendum, if any](#)