

Most Urgent/Out at once

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI

No. 37683 - 37703 / Genl./HCS/2024


Dated, Delhi the _____

09 OCT 2024

Sub : Report regarding issuance of summons for settlement of issues in a suit relating to Commercial Dispute.

A copy of the letter no. 5796-5806/DHC/Gaz.IB/G-2/HC-Judgment/2024 dated 07.10.2024 bearing this office diary no. 2245 dated 08.10.2024 alongwith copy of letter no. 77/Rules/DHC, dated 25.06.2021, practice direction dated 27.11.2015 and order dated 19.09.2024 passed by Hon'ble High Court of Delhi in the abovesaid matter, may be circulated for information and immediate compliance, with request to send the compliance report latest by today itself i.e. 09.10.2024 by 04:00 PM positively for onward transmission to Hon'ble High Court of Delhi immediately to :-

1. All the Ld. District Judges, (Commercial Court) judges, Central District, Tis Hazari Courts, Delhi with request to send the requisite compliance report to this office today itself i.e. 09.10.2024 by 04:00 P.M.
2. PS to the Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi for information.
3. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the Website of Delhi District Courts.
4. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no.D.JA/Dir.(Acd)/2019/4306 dated 06.08.2019.
5. Dealing Assistant, R&I Branch for uploading the same on LAYERS.
6. For uploading the same on Centralized Website through LAYERS.


(Ravinder Bedi)

Officer-in Charge, Genl. Branch, (C)
District Judge, (Comm. Court)
Hazari Courts, Delhi

Encls. As above

Genl.

IN THE HIGH COURT OF DELHI AT NEW DELHI

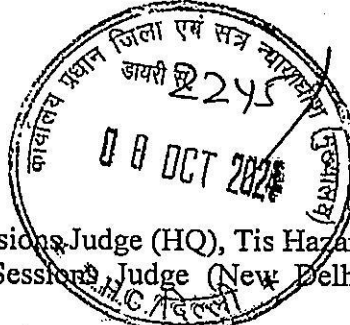
5796-5806

No. _____/DHC/Gaz.-IB/G-2/HC-Judgment/2024

Dated: 07th, 10, 2024

From :

The Registrar General,
High Court of Delhi,
New Delhi.



To

1. The Principal District & Sessions Judge (HQ), Tis Hazari Courts Complex, Delhi.
2. The Principal District & Sessions Judge (New Delhi), Patiala House Courts Complex, New Delhi.
3. The Principal District & Sessions Judge (South-West), Dwarka Courts Complex, New Delhi.
4. The Principal District & Sessions Judge (West), Tis Hazari Courts Complex, Delhi.
5. The Principal District & Sessions Judge (East), Karkardooma Courts Complex, Delhi.
6. The Principal District & Sessions Judge (South), Saket Courts Complex, New Delhi.
7. The Principal District & Sessions Judge (Shahdara), Karkardooma Courts Complex, Delhi.
8. The Principal District & Sessions Judge (North-West), Rohini Courts Complex, Delhi.
9. The Principal District & Sessions Judge (South-East), Saket Courts complex, Delhi.
10. The Principal District & Sessions Judge (North-East), Karkardooma Courts Complex, Delhi.
11. The Principal District & Sessions Judge (North), Rohini Courts Complex, Delhi.

Sub : Report regarding issuance of summons for settlement of issues in a suit relating to Commercial Dispute.

Sir/Madam,

I am directed to refer to this Court's letter no. 77/Rules/DHC, dated 25.06.2021(copy enclosed) whereby it was directed that the proforma for "Summons for Settlement of Issues in a Suit relating to Commercial Dispute" as already prescribed by this Court vide practice direction dated 27.11.2015 (copy enclosed) shall also be applicable to all Commercial Courts in the District Courts of Delhi.

I am further directed to refer to this Court's order dated 19.09.2024 (copy enclosed) passed in CM(M) 3419/2024 & CM Appl. 54810/2024 titled "DR Sanchita Ahuja vs M/S Apothecaries Pvt. Ltd.", wherein the Hon'ble court has inter-alia pleased to order as under:-

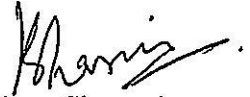
"6. It is also apprised that the form of summons which is sent along with the copy of any such commercial suit still remains the same and there are no changes in the contents of the summons whereas in terms of

Notification issued under Delhi High Court (Original Side) Rules, 2018 i.e. Notification No. 100/Rules/DHC dated 27.02.2018, the format of the summons has been changed for the suits filed in this Court, on its original side.

7. A report in this regard be sought from the learned Registrar General of this Court. The same is required as practice directions were issued by this Court for District Courts as well vide no. 77/Rules/DHC dated 25.06.2021 and it seems that same is still not complied with as the summons in the present case has been reportedly sent as per the old format only.

I am therefore directed to request you to furnish a report in respect of your district, as per the directions contained in the aforesaid order dated 19.09.2024 of this Hon'ble Court, by 09.10.2024 positively.

Yours faithfully,



(Vinay Sharma)

Deputy Registrar (Gazette-IB)
For Registrar General.

Encl.: As above.

HIGH COURT OF DELHI:NEW DELHI

NO. 77) RULES/DHC

DATED: 25.06.2021

PRACTICE DIRECTION

In compliance of the directions issued by the Hon'ble Court on 11.05.2021 in CM (M) No. 144/2021 and CM No. 6526/2021 titled *Mothers Pride Education Institution Pvt. Ltd versus Smt Shukla Sehgal*, it is hereby notified that the proforma for 'Summons for Settlement of Issues in a Suit Relating to Commercial Dispute' as already prescribed by this Court vide Practice Direction dated 27.11.2015 shall also be applicable to all Commercial Courts in the District Courts of Delhi.

For reference, the Practice Direction dated 27.11.2015 are attached herewith.

This Practice Direction shall come into force with immediate effect. However, it shall be read prospectively and shall not result in reopening of the cases where summons had not been earlier sent as per the aforesaid prescribed format.

By Order



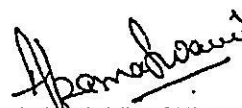
(MANOJ JAIN)
REGISTRAR GENERAL

Endst. No. 267-82 /Rules/DHC/2021

Dated: 25/06/2021

Copy forwarded for information and compliance to:-

1. The Principal District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.
2. The Principal District & Sessions Judge, North-West District, Rohini Courts, Delhi.
3. The Principal District & Sessions Judge, South District, Saket Courts, New Delhi.
4. The Principal District & Sessions Judge, South-West District, Dwarka Courts, New Delhi.
5. The Principal District & Sessions Judge, North District, Rohini Courts, Delhi.
6. The Principal District & Sessions Judge, South-East District, Saket Courts, New Delhi.
7. The Principal District & Sessions Judge, East District, Karkardooma Courts, Delhi.
8. The Principal District & Sessions Judge, New Delhi District, Patiala House Courts, New Delhi.
9. The Principal District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi.
10. The Principal District & Sessions Judge, North-East District, Karkardooma Courts, Delhi.
11. The Principal District & Sessions Judge, West District, Tis Hazari Courts, Delhi
12. The Principal District & Sessions Judge-cum-Special Judge, CBI (PC Act), Rouse Avenue District Court Complex, New Delhi
13. The Principal Judge, Family Courts (HQ), Dwarka Courts Complex, Dwarka, New Delhi
14. All Registrars/OSDs/ Joint Registrars (Judicial), High Court of Delhi. .
15. Joint Director (IT) with the request to upload the Notification on the Intranet of this Court.
16. Guard File.



(APARNA SWAMI)
JOINT REGISTRAR (RULES)



HIGH COURT OF DELHI AT NEW DELHI

27309 IT
No..../Orgl./DHC

Dated: 27/11/15

PRACTICE DIRECTION

Hon'ble the Chief Justice, on the recommendations of the Hon'ble Judge In-Charge (Original Side) has been pleased to direct that Summons for settlement of Issues in a Suit relating to Commercial Dispute shall be issued as per proforma given below:-

"Summons for Settlement of Issues in a Suit Relating to Commercial Dispute (U/s 6 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015 amending Order V, Rule 1 of Code of Civil Procedure, 1908)

In the Court of

.....of.....Plaintiff

Against

.....of.....Defendant.

To

(Name, description and place of residence)

Whereas.....has instituted a suit relating to a commercial dispute against you and you are hereby summoned to file a written statement within 30 days of the service of the present summons and in case you fail to file the written statement within the said period of 30 days, you shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than 120 days from the date of service of summons. On expiry of one hundred and twenty days from the date of service of summons, you shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record.

You are required to appear in this Court in person, or by a pleader duly instructed, and able to answer all material questions relating to suit, or who shall be accompanied by some person able to answer all such questions, on theday of.....atO' clock in the noon, to answer the claim; and further you are hereby to produce on the said day all documents in your possession or power upon which you base your defence or claim for set-off or counter-claim, and where you rely on any other document whether in your possession or power or not, as evidence in support or you defence or claim for set-off, or counter-claim you shall enter such documents in a list to be annexed to the written statement.

Take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence.

Given under my hand and the seal of the Court, this day of.....20.....

Judgeth

By Order



(VINOD GOEL)
REGISTRAR GENERAL



§~84

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CM(M) 3419/2024 & CM APPL. 54810/2024
DR SANCHITA AHUJAPetitioner
Through: Mr. Vipin Rana, Advocates.
versus
M/S APOTHECARIES PVT LTDRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

19.09.2024

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CM APPL. 54811/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 3419/2024

1. Petitioner is defending a commercial suit.
2. The copy of the plaint was supplied to defendant on 1st June, 2024 and, admittedly, the written statement was filed on 13th August, 2024 through electronic mode and by way of hard copy on 14th August, 2024.
3. However, when the matter was taken up by the learned Trial Court on 16th August, 2024, noticing that the statutory period for filing the written statement had already expired, the defence was struck off.
4. An application seeking review was also filed, claiming that the statutory period for filing written statement in a commercial suit was 120 days and, therefore, the written statement had been filed within the permissible outer limit, the learned Trial Court rejected such application by holding that statutory period was 30 days which could be merely extended up to 120 days, on special ground being shown.
5. The argument advanced by the learned counsel for the petitioner is that even if proviso to Order VIII Rule 1 is construed in its literal sense, the Court can though extend the period of 30 days on certain condition, it cannot curtail or forfeit the right in such a manner, particularly, when the written statement had admittedly been filed already on 74th day.

CM(M) 3419/2024

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6. It is also apprised that the form of summons which is sent along with the copy of any such commercial suit still remains the same and there are no changes in the contents of the summons whereas in terms of Notification issued under Delhi High Court (Original Side) Rules, 2018 i.e. Notification No.100/Rules/DHC dated 27.02.2018, the format of the summons has been changed for the suits filed in this Court, on its Original Side.

7. A report in this regard be sought from the learned Registrar General of this Court. The same is required as practice directions were issued by this Court for District Courts as well vide No.77/Rules/DHC dated 25.06.2021 and it seems that same is still not complied with as the summons in the present case has been reportedly sent as per the old format only.

8. Nobody appears on advance notice.

9. Issue notice to the respondent through all permissible modes, returnable 22nd November, 2024. Notice be also issued through counsel.

10. The matter is reportedly fixed before the learned Trial Court today itself.

11. Learned Trial Court is requested to defer the hearing to a date subsequent to one given by this Court. Learned counsel for the petitioner would also be at liberty to apprise the crux of the abovesaid order by making appropriate oral submissions before the learned Trial Court.

12. The matter be shown in Supplementary List..

MANOJ JAIN, J

SEPTEMBER 19, 2024/ss