OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH DISTRICT: ROHINI COURTS: DELHI

ORDER

It has been brought to the knowledge of the undersigned that some cases are being sent for transfer to the Commercial Court by Ld. Additional District Judge(s) (which were sent earlier to their court by the Commercial Court being not found commercial in nature) only on the submissions made by the Ld. Counsels that the case would have to be adjudicated under the Commercial Courts Act, 2015 as the court of Ld. Additional District Judge can only adjudicate the cases which are of civil in nature.

Therefore, all the Ld. Additional District Judge(s) are impressed upon to send cases for transfer to Commercial Court after perusal of the case file and holding that **"after perusal of the case file it has been found that the case is commercial in nature."**

Copy of order dated 14th September 2021 passed by Hon'ble Ms Justice Prathiba M. Singh, Hon'ble High Court of Delhi in C.R.P. 61/2021 titled as " Mr. Hari Singh Vs M/s Superhouse Ltd." is enclosed herewith for reference.

(Swarana Kanta Sharma)
Principal District & Sessions Judge
North Distt., Rohini Courts, Delhi.

No. 30300-30309/Judl./RC/North/2021 Dated 01.10.2021

Copy forwarded for information and necessary action to :

1. The Ld. Registrar General, Hon'ble High Court of Delhi.
2. All the Ld. Additional District Judge(s) .
3. Branch Incharge, Computer Branch for uploading on website.
4. The Website Committee (English/Hindi), Tis Hazari Courts, Delhi.
5. PS to the undersigned.
6. Reader to the undersigned.
7. Branch Incharge, R&I for uploading on Layers.

1/10/21

(Swarana Kanta Sharma)
Principal District & Sessions Judge
North Distt., Rohini Courts, Delhi.

Digitally Signed By DINESH SINGH NAYAL
Signing Date 15.09.2021 17.18.08

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

Date of decision: 14th September, 2021.

\+ **C.R.P. 61/2021**

MR HARI SINGH ..... Petitioner

Through: Mr. Bharat Gupta, Ms. Gunjan Arora and Mr. Yugal Choudhary, Advocates. (M:9810444651)

versus

M S SUPERHOUSE LTD. ..... Respondent

Through: Mr. Sanjeev Panda, Advocate. (M:9811964302)

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 29986/2021 (for exemption)

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

CRP 61/2021 & CM APPL. 29985/2021 (for stay)

3. The present petition has been filed challenging the order dated 10th November, 2020, passed by the Court of District and Sessions Judge, Saket Courts, by which the leave to defend application filed by the Respondent/Defendant (*hereinafter "Defendant"*) has been allowed unconditionally and permission has been granted to the Defendant to file the written statement.

4. The written statement is stated to have been filed.

5. On the last date of hearing, ld. Counsel for the Petitioner/Plaintiff (*hereinafter "Plaintiff"*), was asked by this Court as to how the revision

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petition would be maintainable, owing to the judgments of this Court in -

- ***Span Healthcare Pvt. Ltd. v. Vishal Sharma [C.R.P. 31/2021, decided on 16th April 2021]*** (Single Judge Bench);
- ***Black Diamond Trackparts Pvt. Ltd. & Ors. v. Black Diamond Motors Pvt. Ltd [CM(M) 132/2021, decided on 10th August, 2021*** (Division Bench); and
- ***M/s Rupin Associates v. Axis Bank Ltd. & Ors. [CRP 45/2021, decided on 31st August, 2021]***

6. Ld. Counsel for the Plaintiff submits that if the Court is treating the dispute as a commercial dispute, then he may be permitted to withdraw the same with liberty to avail of his remedies in accordance with law.

7. A perusal of the plaint shows that the transaction is commercial in nature, for supply of fabric. Thus, irrespective of the fact that the same may not have been numbered as a commercial suit, the substratum of the dispute is commercial in nature and would have to be adjudicated under the Commercial Courts Act, 2015 (*hereinafter "Act"*). In such cases, despite the suit not being numbered as a commercial suit or the dispute not having been decided by a Commercial Court, the Act would apply and the bar under Section 8, against filing of a revision application/petition against an interlocutory order, would also be applicable.

8. In this view of the matter, the petition is dismissed as withdrawn, with liberty being given to the Petitioner to avail of his remedies in accordance with law. All pending applications are disposed of.

9. It is directed that the suit titled ***Hari Singh v. M/s Superhouse Ltd.*** numbered ***CS DJ/1342/2018*** be re-numbered as a Commercial Suit and be listed before the appropriate Commercial Court.

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10. The concerned District Judges in all District Courts to ensure that disputes which are of a commercial nature are transferred to the Commercial Courts so that the orders are passed in accordance with the Act.

11. Let a copy of this order be circulated by the worthy Registrar General to all the District Judges. Copy of this order be also communicated to the Additional District Judge-03, South East, Saket Courts, New Delhi.

PRATHIBA M. SINGH
JUDGE

SEPTEMBER 14, 2021
mw/MS/T