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

+ RFA 503/2017

DELHI HAAT & ANR Appellants

Through: Mr. Rishi Sood, Advocate.

versus

M/S GOYAL GEMS & ANR Respondents

Through: Mr. Armaan Grover, Advocate.

+ RFA 505/2017

DELHI HAAT & ANR Appellants

Through: Mr. Rishi Sood, Advocate.

versus

M/S MEDWALAS JEWELLERS & ANR Respondents

Through: Mr. Armaan Grover, Advocate.

+ RFA 506/2017

DELHI HAAT & ANR Appellants

Through: Mr. Rishi Sood, Advocate.

versus

M/S GOYAL GEMS & JEWELS & ANR Respondents

Through: Mr. Armaan Grover, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **06.08.2018**

1. Counsel for the respondents very fairly in view of the judgment passed by this Court in the case of *IFCI Factors Ltd. Vs. Maven Industries*

Ltd. & Ors. 225 (2015) DLT 32 and which holds that an Order 37 CPC does not lie for claiming balance due at the foot of the account, agreed and accordingly the impugned orders in all the three appeals are set aside and it is ordered that the suits filed by the respondents will be treated as ordinary suits for recovery of moneys and will be tried and disposed of in accordance with law.

2. Accordingly while setting aside the impugned orders, let the parties appear before the District & Sessions Judge, South, Saket Courts, New Delhi on 31st August, 2018 and the District & Sessions Judge will now mark the suits for disposal to a competent court in accordance with law. Whatever amounts have been deposited by the appellants in these appeals, the said amounts will be returned back to the appellants alongwith accrued interest by the Registry within four weeks from today but this will be subject to any orders passed by the trial court at the time of final disposal of the suits.

3. Appeals are accordingly disposed of in terms of aforesaid observations.

VALMIKI J. MEHTA, J

AUGUST 06, 2018/Ne