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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 876/2018
LALIT MANCHANDA

..... Appellant
Through : Mr.Sanjeev Bhandari, Mr.Prateek
Kumar, Ms.Spriha Bhandari,
Advocates.

versus
RAJESH MANCHANDA

..... Respondent
Through : Mr.Sanjay Goswami, Advocate.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
% **17.02.2020**

This appeal is against the impugned judgment dated 08.06.2018 whereby the suit under Order XXXVII CPC for recovery of an amount of Rs.37,44,000/- filed by the respondent was decreed. Admittedly, an application for leave to defend was filed by the appellant on 24.03.2017 and conditional leave was granted to the appellant on deposit of Rs.20,00,000/- within ninety days. Admittedly the said amount was not deposited and rather the appellant filed an application dated 01.07.2017 seeking modification of order dated 24.03.2017 to remove the condition of deposit of Rs.20,00,000/- and for grant of unconditional leave to defend. The said application was rejected, hence this appeal.

Admittedly before this Court an amount of Rs.37,44,000/- has since been deposited by the appellant and the same is converted into an interest bearing FDR. During the arguments it is agreed since the

learned Trial Court has in its order noted there exist some triable issues, so subject to the amount lying deposited before this Court the leave is granted to the appellant and hence the suit shall continue as an ordinary suit.

The parties to appear before the learned Trial Court/Successor Court on 05.03.2020 and the learned Trial Court is directed to expedite the proceedings and shall dispose of the suit as early as possible, preferably, within a period of six months from the date of appearance of the parties. The Trial Court record be remitted forthwith. Copy of this order be also communicated to the learned Trial Court. The request of the respondent to treat the suit a '*commercial suit*' be dealt with by the learned District Judge concerned as per law.

The appeal stands disposed of in terms of the above. Pending application(s), if any, also stands disposed of.

No order as to costs.

YOGESH KHANNA, J.

FEBRUARY 17, 2020

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