

\$~112 (2021)

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

%

*Date of decision: 25.11.2021*

+ **FAO (COMM) 187/2021**

SACHIN JAIN

.....Appellant

Through: Ms Kangan Roda and Mr. Ritesh  
Kumar, Advs.

*versus*

SHREE GADIA ENGINEERING WORKS

.....Respondent

Through: None

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**HON'BLE MR. JUSTICE TALWANT SINGH**

[Physical Hearing/Hybrid Hearing (as per request)]

**RAJIV SHAKDHER, J.: (ORAL)**

**CM No.42085/2021**

1. Allowed, subject to just exceptions.

**FAO (COMM) 187/2021**

**CM No.42086/2021***[Application filed on behalf of the appellant seeking  
ex-parte ad-interim injunction against the respondent]*

**CM No.42087/2021***[Application filed on behalf of the appellant for  
appointment of local commissioner]*

**CM No. 42088/2021***[Application filed on behalf of the appellant seeking  
exemption from serving the appeal to the respondent]*

**CM No.42084/2021***[Application filed on behalf of the appellant seeking  
exemption from filing notarized affidavits and original signed documents]*

2. This appeal is directed against an interlocutory order dated  
17.11.2021, passed by the Learned District Judge (Commercial Court-03),

*FAO (COMM) 187/2021*

*Pg. 1 of 3*

Central, Tis Hazari Courts, Delhi in CS (COMM) No. 4389/2021, in the applications moved by the appellant/plaintiff, under Order XXXIX Rules 1 and 2, and Order XXVI Rule 9 of the Code of Civil Procedure, 1908.

3. Ms Kangan Roda, who appears for the appellant/plaintiff, says that, the appellant/plaintiff is aggrieved by the fact that no *ex-parte* orders were passed in the aforementioned applications.

3.1. Ms Roda, however, realises the fact that the aforementioned applications are still alive, although the next date for hearing in the suit as well as the aforesaid applications is 20.12.2021.

4. Via the impugned order, the Learned District judge has issued summons in the suit as also notice in the aforementioned applications.

4.1. Ms Roda says that, if the date of hearing is advanced, for the moment, it will serve the appellant/plaintiff's purpose.

4.2. Given the foregoing, we are inclined to grant expedited hearing in the aforementioned applications.

4.3. Accordingly, the appeal is allowed to the extent that the date of hearing in the matter, which is listed for hearing before the Learned District Judge on 20.12.2021, is now advanced to 06.12.2021.

5. In the meanwhile, the appellant/plaintiff will take steps to serve the respondent/defendant.

5.1. Liberty is given to the appellant/plaintiff to serve the respondent *via* all permissible modes, including e-mail.

5.2. A copy of the order passed by us today will accompany the summons in the suit and notice.

5.3. Consequently, the date fixed by the Learned District judge i.e., 20.12.2021, shall stand cancelled.

6. The Registry will dispatch a copy of this order to the concerned Court.
7. The appeal is disposed of in the aforesaid terms.
8. Insofar as the prayer made in CM No.42084/2021 to grant exemption from filing notarized affidavits is concerned, the applicant/appellant is directed to file duly notarized affidavits within ten days from today, notwithstanding the order passed by us today.
9. Consequently, pending applications shall also stand closed.

**(RAJIV SHAKDHER)**  
**JUDGE**

**(TALWANT SINGH)**  
**JUDGE**

**NOVEMBER 25, 2021**

rb

*Click here to check corrigendum, if any*