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

(9)+ CRL.M.C. 2654/2022 & CRL.M.A. 11055/2022

(10)+ CRL.M.C. 2894/2022 & CRL.M.A. 12176/2022

(11)+ CRL.M.C. 2895/2022 & CRL.M.A. 12183/2022

(12)+ CRL.M.C. 2672/2022 & CRL.M.A. 11094/2022

(13)+ CRL.M.C. 2673/2022 & CRL.M.A. 11098/2022

(14)+ CRL.M.C. 2674/2022 & CRL.M.A. 11096/2022

(15)+ CRL.M.C. 2680/2022 & CRL.M.A. 11107/2022

(16)+ CRL.M.C. 2681/2022 & CRL.M.A. 11109/2022

(17)+ CRL.M.C. 2682/2022 & CRL.M.A. 11111/2022

(18)+ CRL.M.C. 2684/2022 & CRL.M.A. 11115/2022

(19)+ CRL.M.C. 2685/2022 & CRL.M.A. 11117/2022

(20)+ CRL.M.C. 2686/2022 & CRL.M.A. 11121/2022

(21)+ CRL.M.C. 2687/2022 & CRL.M.A. 11124/2022

(22)+ CRL.M.C. 2690/2022 & CRL.M.A. 11130/2022

(23)+ CRL.M.C. 2691/2022 & CRL.M.A. 11133/2022

(24)+ CRL.M.C. 2693/2022 & CRL.M.A. 11136/2022

(25)+ CRL.M.C. 2712/2022 & CRL.M.A. 11194/2022

VIVEK BHARAT RAM

..... Petitioner

Through: Mr.Aadil Singh, Mr.Pawan
Kumar Mittal, Mr.Vaibhav
Dabas, Advs.

versus

GENESIS FINANCE CO. LTD

..... Respondent

M/S GENESIS FINANCE CO. LTD

..... Respondent

Through: Mr.Shubhanshu Gupta,
Mr.Anand Kumar Singh,
Ms.Gargi Kapoor, Ms.Harshini
Shekhawat, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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24.04.2024

1. These petitions have been filed by the petitioner challenging the



Order dated 09.05.2019 passed by the learned Metropolitan Magistrate (NI Act)-06, South West District, Dwarka Courts, Delhi (hereinafter referred to as the 'Trial Court') in Ct. Case nos. 2481, 2471, 2484, 2480, 2482, 2483, 2479, 2478, 2477, 2469, 2468, 2467, 2466 of 2019 and 41095, 41092, 41093 of 2018, all titled ***M/s Genesis Finance Co. Ltd. V. M/s Shriram New Horizons Ltd & Ors.***; and Order dated 25.04.2019 passed by the learned Trial Court in Complaint Cases, being CC nos. 40791, 40792, 40793 of 2018, all titled ***M/s Genesis Finance Co. Ltd. v. M/s Shriram New Horizons Ltd & Ors.***

2. The learned counsel for the petitioner submits that the challenge to a similar Order passed in another complaint filed by the respondent, was decided by this Court vide its Order dated 11.05.2022 passed in CrI.M.C. no.1833/2022, titled ***Vivek Bharat Ram v. MLS Genesis Finance Co. Ltd.***, observing as under:

“1. After some length of arguments, learned counsel appearing on behalf of the petitioner submitted that the impugned order dated 12th September, 2019 passed by Court concerned is a non-speaking order and passed without assigning any reason, specifically when the petitioner has not been summoned on two earlier occasions by the Magistrate concerned on the similar facts and circumstances of the case. He prayed that the instant matter may be remanded back to the Court concerned with the direction to pass a fresh and detailed order.

2. Mr. Manish Sharma, learned counsel appearing on behalf of the



respondent after taking into consideration of both the orders dated 30th October, 2018 passed in Ct No. 40369/2018 and CT No. 40375/2018, has no objection on the limited prayer made by the learned counsel for the petitioner.

3. Heard learned counsel for the parties and perused the record.

4. This Court is of the view that the orders dated 12th September, 2019 are not reasoned orders and was passed without taking into consideration of the facts that on the two earlier occasions why the petitioner has not been summoned and what are the special evidences before the Court concerned while summoning on this occasion.

5. In view of the above facts and circumstances, this Court is inclined to set aside the orders dated 12th September, 2019 and directing the Magistrate concerned to pass a fresh and detailed order after taking into consideration of the entire documents on record in accordance with law.

6. Accordingly, the instant petition is disposed of.”

3. There were some typographical errors in the order, which were corrected by this Court vide its order dated 19.05.2022.
4. The learned counsel for the petitioner submits that the impugned orders suffer from the same infirmity. The learned counsel for the respondent is not in a position to refute the said submission.
5. In view of the above, the impugned orders are set aside. The learned Trial Court is directed to pass a fresh and detailed Order after taking into consideration the entire documents on record and in accordance with law.



6. It is made clear that this order shall, in no manner, be read as an expression of opinion on merits of the assertions made by the petitioner in the present petition(s), and shall in no manner prejudice the rights and contentions of the respondent(s) in the trial of the Complaint Cases.

NAVIN CHAWLA, J

APRIL 24, 2024
RN/AS

Click here to check corrigendum, if any