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

+ C.R.P. 240/2023 and CM APPL. 45356/2023 (Stay)

JAI GANGOUR BANQUETS PRIVATE LIMITED

..... Petitioner

Through: None.

versus

PRISTINE UTILITIES PRIVATE LIMITED Respondent

Through: Mr.Rohan Rohatgi,
Ms.Shubhangini Rohatgi and
Ms.Anshu Tulsyan, Advocates.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **08.05.2024**

1. No one is present for the petitioner when the matter was called out.
2. The petitioner, who is defendant in the suit in commercial suit filed by the respondent/plaintiff, is assailing the order dated 11.05.2023 whereby his application under Order 9 Rule 7 CPC for setting aside ex-parte order dated 10.02.2023 has been dismissed. A perusal of the record shows that the learned Commercial Court vide order dated 10.01.2023 struck off the defence of the defendant for non-payment of costs and since none appeared for the defendant, he was proceeded ex parte.
3. The petitioner/defendant then moved an application under Order 9 Rule 7 CPC, which was dismissed vide order dated 11.05.2023.
4. The present application is barred under Section 8 of the



Commercial Courts Act. In any case, there is no merit in the present petition for the repeated blemishes on the party of the petitioner. The same is accordingly dismissed along with pending application.

DHARMESH SHARMA, J.

MAY 08, 2024
VLD