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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3320/2024**
M/S AHUJA AGENCIES

.....Petitioner

Through: Mr. Anuj Aggarwal, Mr. Vikrant Chawla, Mr. Siddhant Dutt and Mr. Yash Upadhyay, Advocates.

versus

AMIT SUNEJA & ANR.

.....Respondent

Through: None.

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **03.09.2024**

CM APPL. 51088/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

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1. The petitioner had filed a commercial suit under order XXXVII CPC. However, when the above said suit was taken up by the learned District Judge (Commercial Court) on 20th February, 2024, it directed issuance of summons with direction to file the written statement.
2. Such order is under challenge.
3. According to the learned counsel for the petitioner/plaintiff, the Court has converted a summary suit into a regular suit without giving any reason.
4. However, it seems to be a case of some inadvertent error as there is nothing in the impugned order which may even remotely suggest that the Court had converted the suit into a regular suit and, resultantly, the summon

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in the aforesaid manner were directed to be issued.

5. When asked, learned counsel for the plaintiff/petitioner has apprised that so far no steps have been taken to effect service upon the defendant.

6. In view of the above, the present petition is disposed of with the direction to the petitioner to move appropriate application before the learned Trial Court seeking requisite clarification about the above and then to take further appropriate steps in accordance with the directions given in this regard by the learned Trial Court.

7. Needless to say, all the rights and contentions of parties are reserved and in case learned Trial Court holds that it was a case of conversion, petitioner would be at liberty to file petition before this Court afresh.

MANOJ JAIN, J

SEPTEMBER 3, 2024/ss