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

+ **CM(M) 225/2025**

UDIT BANSAL

.....Petitioner

Through: Mr. S.N. Gupta and Ms. Perna
Chaturvedi, Advs

versus

MANJU BANSAL & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

04.02.2025

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CM APPL. 7002/2025 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 225/2025

1. The perusal of the record reveals that the petitioner filed a suit for possession and mesne profit.
2. The suit was initially registered as a commercial suit.
3. However, the suit was being tried as a regular civil suit before the court of ADJ.
4. The learned ADJ vide order dated 03.08.2023 was prima facie of the view that the matter is a commercial dispute falling within the ambit of Section 2(1)(vii) of the Commercial Court Act, 2015 and, therefore, is required to be dealt by a competent commercial court.
5. Accordingly, at the request of the learned ADJ, learned District &



Sessions Judge transferred the matter to the Commercial Court vide order dated 07.08.2023.

6. The suit is presently pending before the Court of Sh. Lal Singh, District Judge (Commercial Court).

7. The learned counsel submits that the suit filed by the petitioner is not in respect of commercial dispute and, therefore, should be tried as a regular civil case and that view of learned ADJ was based only on a prima facie view.

8. The learned counsel further submits that he has already made a statement before the Court of District and Sessions Judge, Commercial Court that the suit is not of commercial nature.

9. Admittedly, the learned District Judge has not returned any finding on merits as to whether the case is of commercial nature or not.

10. At this stage, the learned counsel for petitioner seeks permission to withdraw the present petition with liberty to file fresh petition once such a finding is returned by the learned District Judge, Commercial Court.

11. The statement made by the learned counsel for the petitioner is taken on record and the petition is dismissed as withdrawn with liberty as prayed for.

RAVINDER DUDEJA, J

FEBRUARY 4, 2025/sky/r