



\$~10

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(COMM) 79/2023 CM APPL. 21730/2023
CM APPL.23196/2025
RAJENDRA GEARS & ORS.

.....APPELLANTS

Through: Mr Sanjay Vashistha, Mr Deepak
Nagar, Mr Nipun Arora, Mr
Shivendra Gupta and Mr Siddharth
Goswami, Advocates.

versus

DEEPAK BEARINGS PVT. LTD.

.....RESPONDENT

Through: Mr Bhavya Sethi, Mr Anupam
Sharma and Mr Akash Garg,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

22.04.2025

%

1. The appellants have filed the present appeal under Section 13(1A) of the Commercial Courts Act, 2015 [**the CC Act**] against the impugned judgment dated 19.11.2022 [**the impugned judgment**] passed by the learned Commercial Court in CS (COMM) No.1686/2020 captioned *Deepak Bearings Private Limited v. M/s Rajendra Gears & Others*.
2. By the impugned judgment, the learned Commercial Court rejected the appellants' application for leave to defend and accordingly decreed the suit.
3. After some arguments, the learned counsel for the parties are at *ad idem* that the leave to defend the aforesaid suit is required to be granted to the appellants, *albeit* subject to the condition of depositing the entire amount



as claimed by the respondent.

4. In view of the above, we allow the present appeal and set aside the impugned judgment passed by the learned Commercial Court. The appellants' application for leave to defend – which was rejected in terms of the impugned judgment – stands allowed, subject to the appellants depositing the entire amount with the Registry of this court within the period of four weeks, as submitted by the learned counsel for the appellants, on instructions. It is clarified that the present order is passed with the consent of the parties.

5. The suit of the respondent being CS (COMM) No.1686/2020 is restored before the learned Commercial Court at the stage as it was on 19.11.2022 – the date on which the impugned judgment was passed.

6. The parties shall appear before the learned Commercial Court/ Successor Court on 15.05.2025 for directions.

7. The appeal is allowed in the aforesaid terms. Pending applications are also disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

APRIL 22, 2025

M

Click here to check corrigendum, if any