



2025:DHC:6639-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO (COMM) 160/2025, CM APPLs. 36797/2025, 40592/2025, 41982/2025, 41983/2025 & 41984/2025**

KAUSAL GOYAL AND & ORS.Appellants

Through: Ms. Swathi Sukumar, Sr. Adv.
with Ms. Tanzeela Farheen and Mr. Md. Affan, Advs.

versus

**AWADH OILS PRIVATE LIMITED THROUGH
ITS DIRECTOR SHRI AWADH GOYALRespondent**

Through: Mr. Vipin Nandwani, Mr. Kautilya Kaushik, Mr. Shubham Kaushik, Ms. Purvi Khandelwal and Ms. Ankita Wadhwa, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)
07.08.2025

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C. HARI SHANKAR, J.

1. This appeal impugns an *ad interim* order passed by the learned Commercial Court in an application preferred by the respondent, as the plaintiff in a suit instituted against the appellant-defendant, under Order XXXIX Rules 1 and 2 of the CPC¹.

2. Ms. Swathi Sukumar, learned Senior Counsel for the appellants submits that, on 23 June 2025, the statement that ₹ 7.5 lakhs had been

¹ Code of Civil Procedure, 1908



encashed by the respondent was inadvertently made and that in fact the cheque had not been encashed. She accordingly submits that her client is willing to deposit the entire amount of ₹ 45 lakhs, which, according to her, is subject matter of the family settlement.

3. Mr. Vipin Nandwani, learned Counsel for the respondent disputes the family settlement.

4. Learned Counsel for the parties *ad idem* agree that, as the Order XXXIX application filed by the respondent is listed before the learned Commercial Court on 23 August 2025, the learned Commercial Court may be directed to dispose of the application without being influenced by the impugned order in any way, keeping all rights and contentions of the parties alive.

5. Accordingly, we pass the following directions:

(i) The learned Commercial Court is requested to hear the Order XXXIX application of the respondent on 23 August 2023 itself. Learned Counsel for both sides undertake that no adjournment would be sought by their clients on the said date.

(ii) In order to facilitate the hearing, both sides are directed to place on record, at least 48 hours in advance of the date of hearing, short notes of their respective submissions not exceeding four pages each, after exchanging copies with each other.



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(iii) The learned Commercial Court would decide the application uninfluenced by the impugned order dated 30 May 2025 which is under challenge in the present appeal.

(iv) We have not expressed any view on the merits of the dispute, one way or the other. All contentions of the parties shall remain open.

(v) The interim order dated 23 June 2025 shall remain in operation till 23 August 2025. As to whether the order should be continued further would be a call for the learned Commercial Court to take on the said date.

6. The appeal stands disposed of in the aforesaid terms. All applications which have been filed in this appeal before this Court shall also stand transferred to the learned Commercial Court.

7. Ms. Swathi Sukumar submits that there are other applications pending before the learned Commercial Court. It would be for the Commercial Court to take up the said applications and decide it.

8. The appeal is disposed of accordingly.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

AUGUST 7, 2025/aky