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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(COMM) 417/2025 & CM APPL. 45339/2025, CM APPL.
45340/2025, CM APPL. 45341/2025, CM APPL. 45342/2025

ONE CULTURE PRIVATE LIMITEDAPPELLANT

Through: Mr. Manoj Khanna, Adv. through
VC.

versus

M/S IQUBX PRIVATE LIMITEDRESPONDENT

Through: Mr. Prateek Jain, Adv. through VC.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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28.07.2025

1. The present Regular First Appeal seeks to set aside the *ex parte* decree dated 25th April 2023 ('*impugned order*'), passed in favour of the respondent (*plaintiff in impugned order*) and against the appellant (*defendant in impugned order*), for Rs.24,55,455.37/- along with *pendente lite* and future interest @ 6% per annum till realisation of the amount, and costs of the suit.
2. The Suit for Recovery was filed by the respondent, alleging that the appellant had placed a purchase order on 08th November 2019, upon the respondent for supply and installation of aluminium glazed partition systems, hinged door frames, aluminium sliding doors, aluminium door



frames, amongst other items, for the appellant's building project on *Golf Course Road, Gurugram*.

3. Pursuant to the purchase orders, the respondent allegedly supplied and installed the entire material to the satisfaction of the appellant, as well as some additional products, also to the satisfaction of the appellant. Invoices were duly sent and received by the appellant. Three post-dated cheques were issued *Rs.7,08,000/-* each, to be drawn on *ICICI Bank*. When the respondent presented two of the post-dated cheques, the same were returned *dishonoured* with the remarks '*funds insufficient*'. The third cheque had already expired and, therefore, could not be presented.

4. Attempts to serve the defendant were not successful; therefore, an application under Order V Rule 20 of the Code of Civil Procedure, 1908 ('*CPC*'), seeking permission to serve by way of publication, was moved. The same was allowed by order dated 16th November 2022, passed by the District Judge (Commercial Courts), South-West District, Dwarka Courts, New Delhi.

5. The publication was made in '*The Statesman*' and '*Dainik Jagran*' on 18th January 2023 and 19th December 2022 respectively. Since the appellant did not appear, the right to file the written statement was closed, and the matter was taken up for respondent's evidence. By order dated 25th April 2023, a judgment and decree was passed in favour of the respondent.

6. The appellant contended that he had '*no knowledge*' of the suit till 20th July 2024, when they received a notice of execution at *Unit No. 1128, 11th Floor, JMD Metropolis, Sector-48, Sohna Road, Gurugram, Haryana-122018*. Thereafter, on 22nd November 2024, they filed an application under Order IX Rule 13 of CPC, along with an application for condonation of



delay, for setting aside the *ex parte* decree. The same was dismissed on 23rd April 2025.

7. Having heard the counsel for the appellant and perused the pleadings and documents, the Court is not inclined to allow this appeal.

8. The Court has perused the order dated 23rd April 2025, disposing of appellant's application under Order IX Rule 13 of CPC. The learned District Judge has traversed, in detail, the contentions of the parties, including all those aspects which have been sought to be adverted before this Court.

9. The Court does not find any reason to interfere with the findings arrived at in the impugned order. The impugned order notes, in particular, that the memo of parties in the main suit mentions two addresses of the appellant, including the registered address, which has been filed in the memo of parties along with the application under Order IX Rule 13 of CPC. Moreover, the Master Data of the Ministry of Corporate Affairs also mentions the registered address of the appellant as the one in *Unit No. 1128, JMD Metropolis*.

10. Therefore, there was no question or doubt in the addresses on which the appellant had to be served. Service not being accomplished (respondent's counsel submits that it was deliberately avoided), the only other avenue was substituted service which was done, as per process.

11. Other aspects and contentions, including on condonation of delay in filing the application under Order IX Rule 13 of CPC, were also assessed in fair amount of detail by the learned District Judge. The same do not merit interference by this Court.

12. Accordingly, the present appeal is dismissed. Pending applications are rendered infructuous.



13. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

JULY 28, 2025/mk/zb+tk