



\$~57

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

+ **TR.P.(C.) 140/2025**

SUSHIL KUMAR SAHDEV

.....Petitioner

Through: Mr. Vansh Gandotra, Mr. Kartik Gandotra, Mr. Naman Sabharwal, Mr. Madhuresh Chaudhary and Mr. Faizan Ansari, Advocates

versus

S K FINANCE AND LEASING CO & ANR.Respondents

Through: Mr. Sandeep Khurana, Mr. Shiven Khurana, Advocates for R-1
Ms. Nikita Bhutani, Panel Counsel for R-2

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **13.08.2025**

CM APPL. 48014/2025 (exemption)

1. Exemption granted, subject to just exceptions.
2. The application stands disposed of.

TR.P.(C.) 140/2025

3. By virtue of the present petition under *Section 24* of the Code of Civil Procedure, 1908 (*CPC*) read with *Section 15(5)* of the Commercial Courts Act, 2015, (*CC Act*) the petitioner seeks to ratify and confirm the transfer of the case bearing no. CS/DJ/814/2019 titled “*Sushil Kumar Sahdev Vs. M/s S.K Finance and Leasing Co. and Anr.*” pending before the Learned District Judge (COMM), South-East, Saket Courts, New Delhi, as also in other proceedings.

4. Briefly put, a suit of declaration was filed before the Learned Trial Court on 17.09.2019 and further on 26.10.2020, learned counsel for respondent no.1 appeared and filed an application under *Section 8* of the



Arbitration and Conciliation Act, 1996 (*A&C Act*), the pleadings were subsequently completed *qua* the same, and then the matter was listed for arguments on 24.03.2021.

5. Further, the Learned Trial Court on 08.05.2024 directed that the matter fell under commercial disputes and thereafter listed the matter for arguments on the pending applications on 03.06.2024. Subsequently, the learned counsel for the petitioner moved an application under *Order VI rule 17* read with *Section 151* of CPC, and after hearing the argument, the Learned Trial Court on 24.10.2024 allowed the said application on account of the same being formal in nature and in connection thereto, a '*No objection*' was given by the counsel for the respondent no.1. Thereupon, the matter was converted into a commercial suit.

6. Lastly, since the respondent no.1 had a change of counsel, he moved an application under *Order 7 rule 10* of CPC, the petitioner filed a reply to the same, which is pending for arguments on the said application for 22.08.2025 and if the same is allowed would lead to a retrial of the proceedings and would result in delay in judicial time and resources.

7. In view of the above factual narration, the petitioner has preferred the present petition.

8. At the outset, learned counsel for the petitioner submits that though the prayer for ratification and confirmation has been sought in this petition, considering the nature of the proceedings which were originally initiated before the Civil Court and then transferred by the Learned District and Sessions Judge to the Commercial Court, he restricts his claim for transferring the said matter in consonance of law in terms of *Section 24 (1)(b)(ii)* of the CPC.



9. Issue notice.

10. Learned counsel for the respondents while accepting the notice, at the outset, submits that though the present petition requires consideration, however, since the respondent no.1, after the transfer of the suit before the Commercial Court, has not only consented but also appeared and filed the written statement in terms of the CC Act, he has no objection if the present petition is allowed and the suit bearing no. CS/DJ/814/2019 is transferred to the Commercial Court. However, in the event thereof, he requests that the filing of the written statement by the respondent no.1 before the Commercial Court should be taken from the date of amendment of the original suit i.e. 24.10.2024. To, this learned counsel for the petitioner has no objection. In any event, considering the change of circumstances involved, there is no impediment in this Court acceding to the aforesaid request.

11. As such, the learned Commercial Court is requested to take into consideration the actual date of filing of the written statement by the respondent no.1 before the Commercial Court as 24.10.2024.

12. Needless to say, the learned Commercial Court shall follow all the procedures enumerated in the CC Act. It shall also be open for the respondent no.1 to take the requisite objections, if any, in terms of the CC Act before the Commercial Court in accordance with law.

13. Both parties are directed to appear before the Learned District Judge, Commercial Court-01, South-East, Saket Courts, New Delhi, on the date already fixed in the matter.

14. Accordingly, in view of the aforesaid, the present petition is allowed and stands disposed of.



15. A copy of the present order be sent to the Court of the Learned District Judge, Commercial Court-01, South-East, Saket Courts, New Delhi, for information and compliance.

SAURABH BANERJEE, J

AUGUST 13, 2025/So