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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA(COMM) 366/2024

M/S HELLO GARMENTS

.....APPELLANT

Through: None.

versus

JITENDER SINGH

.....RESPONDENT

Through: Ms Shruti Kapur, Mr Modassir
Husain Khan and Manoj K Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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20.03.2025

CM APPL. 51459/2024(condonation of delay of 315 days)

1. None appears for the appellant.
2. The appellant/applicant has filed the above captioned appeal, *inter alia*, impugning the judgment dated 16.05.2023 passed by the learned Commercial Court, whereby the suit preferred by the appellant being CS(COMM) No.415/2021 captioned *Hello Garments v. Jitender Singh* was rejected.
3. The appellant has preferred the aforesaid suit for the recovery of ₹15,00,232/- along with interest at the rate of twenty-four per cent per annum. In addition, the appellant also sought the decree for recovery of ₹1,50,023/- as well as the costs of the suit.
4. The learned Commercial Court has rejected the aforesaid suit principally on the ground that the appellant had failed to prove its claim.



The impugned judgment is rendered on 16.05.2023 and the present appeal was filed on 29.07.2024, which is after 315 days delay.

5. The appellant had also filed the present application (CM No.51459/2024) seeking condonation of delay in filing the above captioned appeal. The appellant claimed that the appeal was initially filed on 12.09.2023, but the same was defective. The defects were cured and the appeal was refiled. However, the Registry pointed out certain further defects on 18.09.2023, which were not removed.

6. The appellant states that there was some altercation with the previous counsel and he returned the brief. The appellant states that thereafter he suffered from various health and family issues as his brother had filed criminal case against the appellant and his son in Krishna Nagar police station. He states that because of the said FIR, the appellant suffered depression and anxiety and could not engage another counsel. The present appeal was filed after getting some respite from the pressure of the FIR and the investigation conducted by the Investigating Officer (IO). The appellant had engaged another lawyer, who has filed the present appeal. It is stated that the delay has been caused due to the FIR lodged by the brother of the appellant and his health condition.

7. The application is bereft of further details as to the medical condition of the appellant and is not supported by any documents to establish that the appellant was indisposed on account of ill health. There are no specific dates as to when the FIR was filed which had prevented the appellant from filing the present appeal.

8. The present appeal was listed before this court on 04.12.2024 and was



adjourned at the request of the learned counsel for the appellant, as the court had found that the grounds for seeking condonation of delay were vague and did not inspire confidence. The order dated 04.12.2024 is set out below:-

- “1. The present appeal under Section 13 of the Commercial Courts Act, 2015 seeks to assail the judgment and decree dated 16.05.2023 passed by the learned District Judge (Commercial) Shahdara District, Karkardooma Courts in CS 415/2021. Vide the impugned judgement, the suit preferred by the appellant/plaintiff has been dismissed.
2. The appeal is accompanied by an application seeking condonation of delay of 315 days in filing the appeal. Upon going through the same, we have put it to the learned counsel for the appellant that the grounds raised therein for seeking condonation of delay are absolutely vague and do not inspire any confidence at all.
3. When faced with this situation, learned counsel for the appellant prays for and is granted four weeks time for filing a detailed affidavit alongwith supporting documents.
4. While adjourning the matter, at the request of learned counsel for the appellant, we make it clear that this Court has neither issued notice in the appeal nor stayed the operation of the impugned judgment and decree.
5. List on 20.03.2025.”

9. Despite the opportunity, the appellant has not filed any detailed affidavit along with any supporting documents. Further, none appears for the appellant.

10. In view of the above, we find no grounds to condone the delay in filing the captioned appeal. The application is, accordingly, dismissed.



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11. In view of the above, the present appeal is dismissed.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 20, 2025

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Click here to check corrigendum, if any