



2025:DHC:11668-DB



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

+ **FAO (COMM) 259/2025**

**UPGRID SOLUTIONS PVT. LTD. ....Appellant**

Through: Mr Abhijat Bal, Sr. Adv.  
Mr. Rupesh Gupta, Ms. Kritika Tuteja and  
Mr. Gauraang Rawata, Advs.

versus

**SANJAY NAGAR, SOLE PROPRIETOR, SANJAY E  
RICKSHAW PARKING ....Respondent**

Through: Mr. Harish K Malhotra, Adv.  
with respondent in person

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**ORDER (ORAL)**

**19.12.2025**

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**C. HARI SHANKAR, J.**

1. This appeal is directed against order dated 26 August 2025, whereby miscellaneous application filed by the plaintiff in CS (Comm) 546/2024 seeking return of batteries which were with the respondent has been rejected on the ground that there is no similar prayer in the main suit.

2. The learned Commercial Court has therefore held that, in an interim application, a prayer which is beyond the prayers in the main suit cannot be granted.



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3. Mr. Abhijat, learned Senior Counsel for the appellant, on instructions, seeks liberty to withdraw this appeal as he submits that the appellant would be instituting an application under Order VI Rule 17 of the CPC before the learned Commercial Court to amend the prayers in the suit.
4. Leave and liberty is granted as aforesaid.
5. Mr. Abhijat also prays that it be clarified that in deciding the said application, the Court would not be influenced by any observations contained in the impugned order.
6. Inasmuch as the impugned order has not adjudicated on the appellant's prayer for a direction to return the batteries to the appellant on merits, it is obvious that such a prayer, if it is permitted to be introduced by way of an amendment, would not be influenced by the observations contained in the order.
7. The present appeal stands dismissed as withdrawn.

**C. HARI SHANKAR, J.**

**OM PRAKASH SHUKLA, J.**

**DECEMBER 19, 2025/dsn**