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

+ RFA(COMM) 541/2025 and CM APPL. 58030/2025
SHRIKANT CHAUDHARYAppellant
Through: Dr. M. K. Gahlaut, Adv.

versus

M S VALUE LINE INTERIORS PVT LTD & ORS.
.....Respondents
Through: Mr. Namit Suri and Ms. Tanya
Sharma, Advs.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

ORDER
12.09.2025

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1. Through the present Appeal, the Appellant/Plaintiff assails the correctness of order dated 07.08.2025 [hereinafter referred to as the "Impugned Order"] passed by the learned District Judge (Commercial Court)-04, Tis Hazari Court, Delhi [hereinafter referred to as "Commercial Court"], whereby the suit for recovery of Rs. 3,26,000/- along with *pendente lite* and future interest filed by him was rejected under Order VII Rule 11 Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"], on the ground that the suit was barred by limitation.
2. The case of the Appellant is that he had undertaken certain construction work for the Respondents/Defendants. The last payment in respect thereof was made to him on 04.10.2010. A final bill was raised in October, 2010 and was again forwarded on 30.01.2012. However, the suit for recovery came to be filed only in July, 2025.



3. The Appellant claims that the cause of action accrued upon receipt of the Respondents' reply to his notice. However, it is settled law that limitation for filing a suit for recovery is 03 years from the date of the last payment in terms of the contract.

4. Section 22 of the Limitation Act, 1963 is not applicable to the present Appeal since there is neither a continuing breach of contract nor a continuing tort. For reference, Section 22 reads as under:

*“22. Continuing breaches and torts –
In the case of a continuing breach of contract or in the case of a continuing tort, a fresh period of limitation begins to run at every moment of the time during which the breach or the tort, as the case may be, continues.”*

5. Furthermore, the reply dated 21.12.2024 sent by the Respondents does not give rise to a fresh cause of action, as the liability was categorically denied therein.

6. The suit having been filed after an inordinate delay of 14 years is clearly barred by limitation. Accordingly, this Court finds no error in the Impugned Order passed by the learned Commercial Court.

7. The Appeal, along with the pending application, stands dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 12, 2025/sg/pl