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

% ***Date of Decision: 14th May, 2025***

+ **CM(M) 4037/2024 & CM APPL. 29152-29153/2025**

HARDESH KUMAR ARORA

.....Petitioner

Through: **Mr. Dhruv Kumra with Mr. Umang
Varshney, Advocates.**

versus

PRAVEEN KUMAR CHHABRA

.....Respondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The next date in the present petition is 26.05.2025, and notice has already been issued to the respondent.
2. It has been informed by learned counsel for petitioner that the matter is now fixed up for judgment/clarification before the learned Trial Court on 24.05.2025 and if the arguments are heard and suit is disposed of, the present petition would become infructuous.
3. According to petitioner, the suit, which combines two different causes of action, could not have been filed before a Commercial Court.
4. None appears on behalf of respondent, despite advance notice of the abovesaid application.
5. This Court has gone through the impugned order dated 08.10.2024 whereby the application moved by defendant (petitioner herein) was disposed of.
6. According to defendant, the suit was bad for *misjoinder of issues* as



commercial suit had been filed based on invoices as well as on a *friendly loan*.

7. According to defendant, the cause of action, so far as it related to grant of friendly loan, would not fall within the scope of a commercial dispute and, therefore, on account of such misjoinder of the issues, the entire suit is liable to be dismissed.

8. It is, however, noticed that while considering the abovesaid request, the learned Trial Court also observed that since the defence of the defendant could not be looked at that stage, there was no ground for rejection of the plaint but, at the same time, it was also observed that the issue raised by the defendant would be considered at the time of final judgment.

9. Apparently, all such contentions have thus been left open and since the case is already at the stage of clarification/judgment, this Court expects that the learned Trial Court would consider all such objections and would answer the same in its final judgment, particularly when the Court itself has observed so in impugned order dated 08.10.2024.

10. The petition stands disposed of in aforesaid terms with the aforesaid directions to the learned Trial Court.

11. The next date of 26.05.2025 stands cancelled.

(MANOJ JAIN)
JUDGE

MAY 14, 2025/st/shs