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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ EFA(COMM) 21/2025 & CM APPL. 74484/2025
M/S OM CROP SCIENCE THROUGH IT PROPRIETOR SHRI
SATISH KUMARAPPELLANT
Through: Ms. Mrinmoi Chatterjee, Mr. Ritik
Kumar & Ms. Kirti Lal, Advocates.

versus
CRYSTAL CROP PROTECTION PVT LTD THROUGH ITS
AUTHORISED REPRESENTATIVERESPONDENT
Through: Mr. Gaurav Barathi, Mr. Vishal
Thakur & Mr. Rahul Dwivedi,
Advocates.

CORAM:
HON'BLE MR. JUSTICE DINESH MEHTA
HON'BLE MR. JUSTICE MANOJ JAIN

% **ORDER**
27.11.2025

CM APPL. 74482/2025 (Exemption)
CM APPL. 74483/2025 (Exemption)
CM APPL. 74485/2025 (Exemption)

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

EFA(COMM) 21/2025

1. The instant appeal is under Section 13(1A) of the Commercial Courts Act, 2015 laying challenge to the impugned order dated 18.11.2025 passed by Learned District Judge, Commercial Court-01, East District, Karkardooma Courts, Delhi, whereby the Commercial Court has issued arrest warrant against the appellant.
2. The facts precisely narrated are that, in furtherance of the decree



passed, the respondent-decree holder, moved an Execution Application under Order XXI, Rule 37 of the Code of Civil Procedure *inter alia* requiring the judgment debtor to file an affidavit, as required under Sub-rule (2).

3. The Court had granted the appellant (judgment debtor), time to file an affidavit by the next date, i.e., 18.11.2025, on which the appellant filed a reply, which according to the Commercial Court was not in the format of affidavit.

4. Finding this, the Commercial Court issued warrant of arrest against the appellant in order to secure his presence on 16.12.2025.

5. Learned counsel for the appellant submitted that the Commercial Court has committed an error of law and exceeded its jurisdiction by directly issuing a warrant of arrest against the appellant, completely ignoring the fact that a reply to the application under Rule 41 of Order XXI, has been filed by the appellant on the very same date, i.e., 18.11.2025.

6. She argued that if the Commercial Court was of the view that the reply which the appellant had filed is not in accordance with law, it was incumbent upon the Commercial Court to issue a show cause notice or have granted some time, asking the appellant to file a proper affidavit.

7. Learned counsel for the appellant further argued that there are catena of judgments supporting the proposition, one being, **CELL-Page Communication vs. Vijay Shankar Pandey** reported in **2022 SCC OnLine Del 3421**, wherein learned Single Judge of this Court has held that prior to issuing arrest warrant, the Court should issue a show-cause notice to the appellant.

8. Learned counsel for the respondent, on the other hand, submitted that application which judgment debtor/appellant had filed cannot be treated to an



affidavit and therefore, the Commercial Court has committed no error of law in issuing arrest warrant against the appellant.

9. He further submitted that the perusal of the reply to the application and his conduct clearly shows that the appellant is playing *hide-and-seek* with the Court. He argued that impugned order does not call for any interference.

10. Heard learned counsel for the parties.

11. A perusal of the impugned order dated 18.11.2025 reveals that the Commercial Court has moved more by conduct of the appellant rather than being guided by the spirit of law. A simple look at sub-rule (2) & (3) of Rule 41 of Order XXI goes to show that in the case of non-compliance of the order, the Court may direct the person concerned to be detained in civil prison for a term not exceeding 3 months.

12. The High Court has clearly laid down that issuance of a show cause notice before issuing Arrest Warrant is necessary in the case of **CELL-Page Communication (Supra)**.

13. Apart from what has been held by this Court in the aforesaid judgment, we cannot lose site of the fact that on the date before the Commercial Court (18.11.2025), the appellant had filed his reply to the application. Maybe, the reply was not in the form of affidavit, but in any case, his response was very much there before the Commercial Court. As such, the Commercial Court rather should have asked the appellant to file an affidavit in support of the reply. Having not done so, the Commercial Court has failed to adhere to the Principles of Natural Justice.

14. The impugned order dated 18.11.2025, passed by the Commercial Court is, therefore, clearly contrary to law and therefore, set aside.

15. While allowing the appeal, we hereby direct the appellant to appear



before the Commercial Court on the next day of hearing, i.e. 16.12.2025 and file an affidavit in support of his reply. On an affidavit being filed, the Commercial Court concerned, shall consider the same in accordance with law and thereafter proceed.

16. In case, the Commercial Court is of the opinion that the appellant is required to be detained as contemplated under Sub-rule (3) of Rule 41 of Order XXI, a notice to the appellant, as held by this Court, in the case of **CELL-Page Communication (Supra)** shall be issued.

17. The appellant-judgment debtor shall not be granted unwarranted adjournments by the Commercial Court.

DINESH MEHTA, J.

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18. After the dictation was over, learned counsel for the respondent submitted that what has been filed by the appellant was a simple affidavit and not reply, though the Commercial Court has considered it to be a reply. Be that as it may, the appellant shall file a fresh reply along with an affidavit at least 7 days in advance to the next date of hearing i.e. 16.12.2025 while giving a copy thereof to the respondent's counsel.

DINESH MEHTA, J.

MANOJ JAIN, J.

NOVEMBER 27, 2025/nk