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

+ **CM(M)-IPD 46/2025 & CM 266/2025**

VISHAL GUPTA AND ANR

.....Petitioners

Through: Mr. Kunal Khanna and Mr. Krtin
Bhasin, Advocates

versus

RAHUL BANSAL

.....Respondent

Through: Mr. Mohan Vidhani, Mr. Rahul
Vidhani, Mr. Saurabh Kumar, Ms.
Neha Vidhani, Mr. Lakshya Gupta,
Ms. Shreya Jain, Ms. Mokshita
Gautam, Ms. Uravashi Arora, Mr.
Dhruv Sikka and Ms. Yashika Sehgal,
Advocates

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 01.12.2025

1. This petition has been filed seeking a direction to the learned District Judge to list and hear the Petitioner's counter claim no. 27/2025 and its application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 ['CPC'] filed in the counter claim simultaneously and compositely along with the Respondent's application under Order XXXIX Rules 1 and 2 of CPC filed in the main suit i.e., CS(COMM) 1173/2024 pending before the Commercial Courts, Tis Hazari Courts, Delhi ['District Court'].

1.1. It is stated that counter claim was directed to be registered vide order dated 27.05.2025 and the Respondent was directed to file its written



statement to the counter claim within the statutory prescribed time limit of 30 days.

1.2. It is stated that, however, 120 days have expired and the Respondent has elected not to file its written statement in the counter claim.

1.3. It is stated that initially, the Respondent raised an objection to the maintainability of the counter claim on the ground of alleged non-compliance with Section 12-A of the Commercial Courts Act, 2015, which was dismissed by the District Court vide order dated 29.08.2025 with a finding that the counter claim is maintainable.

1.4. It is stated that thereafter, on 12.09.2025, the Respondent has raised another objection that since the counter claim was filed subsequent to the written statement, the counter claim is not maintainable under the provisions of Order VIII Rule 6A of CPC.

1.5. It is stated that in this manner the Respondent has elected neither to file its pleadings as well as it is not permitting hearing on merits in the Petitioner's application under Order XXXIX Rule 1 and 2 of CPC filed along with the counter claim.

1.6. It is stated that on the other hand, hearing in the application under Order XXXIX Rules 1 and 2 of CPC filed by the Respondent in the main suit has commenced and has also been partly heard by the learned District Court on last few hearings.

1.7. It is stated that the issues arising for determination in the suit and the counter claim are identical and the Petitioner herein is seeking an injunction against the Respondent in the interim application filed in the counter claim. It is therefore, imperative that the injunction application(s) in both the suit and the counter claim are heard together to save judicial time.



2. Issue notice.
3. Learned counsel for the Respondent accepts notice.
4. Mr. Mohan Vidhani, learned counsel for the Respondent states it is a matter of record that since the Respondent has raised an objection on maintainability of the counter claim, the Respondent has neither filed its written statement to the counter claim nor has filed its reply to the application under Order XXXIX Rule 1 and 2 of CPC filed along with the said counter claim.
 - 4.1. He states on instructions that the Respondent withdraws its objection on the issue of the maintainability of the counter claim raised on the ground of Order VIII Rule 6A of CPC.
 - 4.2. He, however, states that upon an opportunity being granted by this Court, the Respondent undertakes to file its written statement to the counter claim within three [3] weeks and the reply to the Petitioner's Application under Order XXXIX Rule 1 and 2 of CPC within one [1] week.
5. Mr. Kunal Khanna, learned counsel for the Petitioner states that the Petitioner has no objection to the aforesaid submission of the Respondent and consents to extension of time to complete pleadings.
6. The Court has heard the learned counsels for the parties.
7. The submissions of the Petitioner and the Respondent are taken on record. The Respondent is granted time to complete the pleadings as per the timelines noted above.
8. The learned District Judge is requested to hear and dispose of the interim injunction application filed by the Petitioner in the counter claim along with the interim injunction application filed by the Respondent in the suit.



9. At this stage, learned counsels for the parties' state that so as to enable the Respondent to file its reply to Order XXXIX Rules 1 and 2 of CPC application in the counter claim, with the consent of the parties, the parties will seek cancellation of the next date of hearing i.e., 03.12.2025 before the learned District Court and will seek a date after one [1] week, as per the convenience of the learned District Court.

10. The parties are bound down to the aforesaid submissions and it is noted that the order has been passed with the consent of the parties.

11. With the aforesaid directions, the petition stands disposed of.

12. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted upon by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 1, 2025/rhc/MG