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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO (COMM) 12/2026, CM APPL. 4202/2026 & CM APPL. 4203/2026**

M/S SURYA TESTING SERVICES LTD.Appellant

Through: Mr. Mayank Rustagi, Adv.
versus

RAJENDRA KUMAR AGGARWALRespondent

Through: Ms. Radhika Bishwajit Dubey, CGSC
Ms. Gurleen Kaur Waraich Mr.
Kritarth Upadhyay Mr. Saksham
Sharma Mr. Mathy V Kutty,
Advocates for R-1 & 2

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **21.01.2026**

1. This hearing has been done through hybrid mode.
2. The present appeal has been filed by the Appellant under Section 13(1A) of the Commercial Courts Act, 2015, *inter alia*, assailing impugned judgement dated 22nd November, 2025 passed by Ld. District Judge, (Commercial Court)-02, West, Tiz Hazari Courts, Delhi in **C.S(Comm.) No. 652/2023** titled '**M/s Surya Testing Services Ltd. v. Rajendra Kumar Aggarwal**' (hereinafter, 'impugned judgement').
3. *Vide* the impugned judgement, the application of the Appellant under Order XIII A read with Section 151 of the Code of Civil Procedure, 1908, seeking summary judgement against the Respondent has been rejected by the Commercial Court.
4. The case of the Appellant is that it had filed the suit for recovery of a



sum of Rs. 17,36,575/- along with interest, against the Respondent.

5. The case of the Respondent in the Written Statement is that, certain amount had been paid by the Respondent to the Appellant in cash, in support of which the Respondent relies upon a ledger account.

6. The Appellant is aggrieved by the impugned order on the ground that the Respondent does not raise any defence at all and the application seeking summary judgment has been dismissed by the Commercial Court.

7. Heard. Having considered the nature of the matter, this Court is refraining from making any observation on merits, in as much as if the case of the Respondent is that the payment has been made to the Appellant in cash, there ought to be some proof apart from simply filing the ledger account.

8. Accordingly, the Respondent can be given an opportunity to prove the aforesaid position, taken in the written statement, before the Commercial Court.

9. Moreover, the matter is stated to be listed for framing of issues on 30th January, 2026, before the Commercial Court.

10. In view of the stand taken by the Respondent in the written statement, and the issues being framed, the Commercial Court shall endeavour to decide this matter within a period of three months. All contentions are left open.

11. The present appeal is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J

MADHU JAIN, J

JANUARY 21, 2026/prg/sm