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

+ **FAO (COMM) 94/2026**

NAYASA SUPERPLAST & ANR.

.....Appellants

Through: Mr. Surinder Singh, Adv.

versus

**SINDH POLYMERS PVT. LTD. ALSO TRADING AS CRYSTAL
POLYWORKS PVT. LTD. & ANR.**

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **08.04.2026**

CM APPL. 22708/2026 (Exemption)

1. Exemption is allowed, subject to just exceptions.
2. The application is disposed of.

FAO (COMM) 94/2026, CM APPL. 22707/2026

3. This appeal has been filed by the appellants challenging the order dated 15.01.2026. The impugned order is primarily an order passed on two applications filed by the appellants under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 ("CPC") and also an application under Order XXVI Rule 9 read with Section 151 of the CPC whereby the learned District Judge (Commercial Court)-01, Central District, Tis Hazari Courts, Delhi at page 60 of the paper-book has stated the



following:-

“In such view of the matter therefore in my considered opinion, it would be in the fitness of things if the defendants are also heard before passing of any interim injunctive reliefs as prayed for and for the purposes, notice has already been ordered to be issued in the suit and the applications.

Put up the applications for consideration and disposal on the date already fixed i.e 29.01.2026.”

4. The learned counsel for the appellants would submit that as there were factual errors in the said order, the appellants have filed an application under Section 151 of the CPC seeking correction of those errors. According to him, the said application has been dismissed by the learned District Judge vide order dated 18.02.2026. As the subject matter of challenge before this Court is primarily with regard to order dated 15.01.2026 and the submission is that there are certain factual errors, which have crept, in the order and given the fact both the applications under Order XXXIX Rules 1 and 2 of the CPC and under Order XXVI Rules 9 of the CPC are still pending consideration and the date of hearing is 06.05.2026, appropriate shall be for the appellants to serve the defendants for the date fixed.

5. Upon defendants being served, the application filed by the appellant under Order XXXIX Rules 1 and 2 of the CPC and also under Order XXVI Rule 9 of the CPC shall be considered by the learned District Judge. While considering those applications, the learned District Judge shall decide the same without being influenced by any observation made in the order dated 15.01.2026 inasmuch as it should duly consider the factual aspects based on the documents filed by the appellants in the suit.



6. The appeal along with pending application is disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

APRIL 8, 2026/sr