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

+ **TR.P.(C.) 91/2026 & CM APPL. 28189/2026**

PUNJAB NATIONAL BANK

.....Petitioner

Through: Ms. Rajul Jain and Ms. Poorvi,
Advocates.

Versus

FATEH SINGH CHAUHAN

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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28.04.2026

1. This hearing has been done through hybrid mode.
2. The present petition under Section 24 read with Section 151 of the Civil Procedure Code, 1908, (for short, 'CPC'), seeks following prayers:-

“a) Transfer Civil Suit No. 89 of 2019, titled, '*Punjab National Bank vs. Fateh Singh Chauhan*' presently before before the South-West District, Dwarka Courts, Delhi to the competent Commercial Court, South-West District, Dwarka Courts, Delhi for further proceedings from the present stage;

b) Pass such other and further orders as this Hon 'ble Court may deem fit and proper in the facts and circumstances of the case.”

3. By way of the present petition, the petitioner-bank seeks transfer of civil suit No.89/2019, titled as 'Punjab National Bank v. Fateh Singh Chauhan', pending before the Court of learned District Judge-04, South-West



District, Dwarka Court, to the competent Commercial Court in South-West District, Dwarka Court, for further proceedings, from the stage at which the same is presently pending.

4. The subject suit was instituted by the petitioner-bank on 29.01.2019 against the respondent, seeking a decree for a sum of Rs. 4,24,588/- along with interest @ 12.70% per annum, from the date of passing of decree till realisation of the amount with cost, and other expenses.

5. *Vide* order dated 02.05.2024, the learned District Judge-04, South-West, Dwarka Courts, New Delhi, had proceeded *ex-parte* against the respondent/defendant in the subject suit. During the course of proceedings in the subject suit, at the stage of final arguments, on 03.02.2026, learned District Judge heard arguments on the aspect of subject-matter jurisdiction, particularly on the issue as to whether the dispute in the suit is of a commercial nature.

6. Learned counsel for the petitioner submits that the subject suit, at the first instance, was filed as a commercial suit before Commercial Court with all necessary compliances in terms of the provisions of Commercial Courts Act, 2015; however, the same was registered as a civil suit before ordinary civil Court. It is further submitted that withdrawing and refileing of the suit before commercial Court would result in unnecessary delay in the proceedings as the subject suit is at the stage of final arguments. It is further submitted that the respondent has been proceeded *ex-parte* in the subject suit.

7. Perusal of the record reflects that, initially, on 29.01.2019, the subject suit was filed as commercial suit with specified nomenclature 'Commercial Suit' before learned District Judge, Commercial Courts, Dwarka Court, Delhi; however, the same inadvertently got registered as an ordinary civil suit. It is



further reflected that all necessary compliances with respect to specified value, statement of truth, etc., were made in the subject suit prior to its institution. As pointed out hereinabove, the respondent has already been proceeded *ex-parte* by learned Trial Court, and the said suit is at the stage of final arguments.

8. Since, the respondent has already been proceeded *ex-parte* in the subject suit, issuance of formal notice to the respondent in the present petition is dispensed with.

9. The subject suit is at the stage of final arguments. The return of plaint, at such a stage, to be presented before the Commercial Court of competent jurisdiction for treating the suit as a fresh suit, would render all the proceedings before the earlier Court a nullity, and cause undue hardship to the petitioner, and will also cause unnecessary delay in the proceedings.

10. In view thereof, the present petition is disposed of with direction that civil suit No. 89/2019, titled as, 'Punjab National Bank v. Fateh Singh Chauhan', pending before the Court of learned District Judge-04, South-West District, Dwarka Courts, is transferred to the Court of the learned District Judge (Commercial), South-West District, Dwarka District Courts, and the same is to be tried from the stage it is at present.

11. Let the records of the subject suit be transferred to the concerned Transferee Court, within a period of 10 (*ten*) days. Parties are directed to appear before learned Transferee Court accordingly.

12. Copy of the order be sent to the learned District Judge-04, South-West District, Dwarka Courts, as well as learned District Judge, Commercial Courts, South-West District, Dwarka Courts, for necessary information and compliance.



13. Pending application(s), if any, also stands disposed of.
14. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 28, 2026/bsr/ns