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

+ **FAO 318/2022**

LIC HOUSING FINANCE LTD

.....Appellant

Through: Mr. Abhinav Rakrishna and
Mr. Jaychandra Tiwari, Advocates.

versus

UMA DUTT SHARMA & ORS.

.....Respondents

Through: Mr. Arjun Goyal, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

13.01.2026

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1. The present appeal has been filed under Order XLIII Rule 1 read with Section 151 of the Code of Civil Procedure, 1908 against the order dated 02.11.2022 passed by the learned ADJ-03, South West, Dwarka Courts, Delhi, in CS DJ ADJ No. 669/2018, whereby the appellant's plaint was returned under Order VII Rule 10 CPC for presentation before the appropriate Commercial Court.
2. Learned counsel for the appellant prays that instead of the plaint in the subject suit being returned under Order VII Rule 10, the subject suit may instead be transferred to the appropriate Commercial Court. In this regard, learned counsel for the appellant has relied upon the decisions in *Namita Gupta Vs. Suraj Holdings Limited*¹ and *Dhanbad Fuels Private Limited Vs. Union of India & Anr.*².
3. Learned counsel for the respondent submits that he has no objection

¹ 2024 SCC OnLine Del 143

² (2025) 9 SCC 424



to the subject suit being transferred *as it is* to the appropriate Commercial Court.

4. Considering the submissions led by the appellant and in view of no objections being raised by the learned counsel for the respondent, the suit is directed to be transferred, as it stands, to the appropriate Commercial Court. For the said purpose, the matter is directed to be listed before the concerned Principal District and Sessions Judge at the first instance on 28.01.2026, for directions.

5. The present appeal, along with pending applications, if any, are disposed of in the above terms.

MANOJ KUMAR OHRI, J

JANUARY 13, 2026

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