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

\# **CNR No. DLHC010880602025**

\+ RFA(COMM) 627/2025

SANDEEP YADAV PROPRIETOR OF EDISSON INDIA .....APPELLANT

Through: Mr. S. S. Bhati, Mr. Dhruv Varshney & Mr. Sarvesh Pandey, Advs.

versus

SEMICONIC DEVICES PVT LTD .....RESPONDENT

Through: Mr. Yashpreet Singh & Mr. Shrut Jain, Advs.

CORAM:
HON'BLE MR. JUSTICE AVNEESH JHINGAN
HON'BLE MS. JUSTICE SHAIL JAIN

O R D E R

% 27.10.2026

1. This appeal is filed aggrieved of *ex parte* judgement dated 11.08.2025 passed by the Commercial Court, West District, Tis Hazari Courts, Delhi in CS (COMM) No.190/2025.

2. The brief facts are that the respondent/plaintiff (hereafter 'the respondent') filed the suit for recovery of Rs.7,38,717/-. The parties to the *lis* entered into an agreement whereunder the respondent agreed to provide the electrical components and the supplies were made. The respondent failed to appear in pre-institution mediation. The respondent claimed an amount of Rs.7,38,717/- along with interest at the rate of 18% per annum. The summons for the suit was sent to the appellant through speed post, email and whatsapp. The commercial court satisfying that despite service of notices

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through whatsapp and email the appellant failed to appear, proceeded *ex parte* on 25.04.2025. The e-bills and invoices were produced in the suit to prove that the goods were supplied during the period of 2022 till 2024. The proceedings culminated into the impugned judgement decreeing the suit for the amount claimed along with interest at the rate of 12% per annum.

3. Learned counsel for the appellant contends that there was no service through speed post and the tracking report was that the addressee had shifted. The contention is that the appellant was not operating from the address mentioned on the speed post. The argument is that the email had no subject mentioned on it and consequently, the appellant had not opened and seen the email. It is canvassed that through whatsapp the notice was served and not a copy of the suit. The submission is that report of 'Nazir' was not reliable, the email was sent on 18.04.2025 whereas the report is dated 17.04.2025.

4. *Per contra* false averments are made in the appeal. The address mentioned for sending the speed post is the address so stated in the memo of parties of this appeal. The reliance is on the fact that the receipt of email and whatsapp message has not been denied. The argument is that the delaying tactics were being intentionally employed by the appellant right from the stage of pre-institution mediation.

5. Heard the learned counsel for the parties and perused the relevant record with their able assistance. The only issue raised is of service of notice, no argument was raised challenging the judgement on merits.

6. It is not disputed that the email was received by the appellant. From the perusal of the record, it is evident that the email had attachments of notice and a copy of the plaint. Even before this court it is not case set up by

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the appellant that the email was not received rather the argument is that it was not opened as there was no subject mentioned. No violation of rules service through electronic mode has been pointed out. Service of the notice was admittedly made to the appellant through whatsapp. The appellant was aware of the court, the parties to the *lis* and the next date fixed before the court.

7. The commercial court proceeded on the service of the notice on the appellant through email and whatsapp, it would be relevant to note that in appeal the grievance raised is that the speed post was sent on a wrong address on which the appellant was no longer operating. On a specific query from the court it is not denied that it was the last known address of the appellant. Even in the memo of parties the same address mentioned is same on which notice through speed post was sent.

8. In view of the fact that the notice of suit was duly served upon the appellant the contention that the report of 'Nazir' was not reliable is of no avail.

9. The appellant was proceeded *ex parte* in accordance with law after due service of notice admittedly by two modes. There is no factual or legal error much less perversity in the impugned judgment.

10. The appeal is dismissed.

AVNEESH JHINGAN, J

SHAIL JAIN, J

OCTOBER 27, 2026
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