



2025:DHC:7426



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 26<sup>th</sup>, August, 2025*+ CM(M) 427/2025 & CM APPL. 13036/2025 & CM APPL.  
13039/2025

HEMANT GUPTA .....Petitioner

Through: Mr. Raman Kapur, Senior Advocate  
with Mr. Rony John, Advocates

versus

UNION BANK OF INDIA .....Respondent

Through: Mr. Samarendra Kumar, Advocate

**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT** (oral)

1. Plaintiff/petitioner herein Mr. Hemant Gupta has filed a suit seeking recovery of Rs. 34,14,951/-. According to averments made in the plaint, he was on the panel of the bank and the recovery is with respect to his professional fees.
2. Suit was filed as if it was raising a “commercial dispute”.
3. However, when learned Commercial Court took up the matter on 27.07.2024, it directed the suit to be returned as it was not falling within the ambit and scope of commercial dispute as defined under Section 2 (1)(c) of Commercial Courts Act, 2015.
4. Fact remains that the learned Trial Court did not invoke its power under Order VII Rule 10A CPC and when review application was filed under Section 114 CPC seeking, *inter alia*, transfer of the suit to a regular Court, such application was dismissed *vide* order dated 10.09.2024.



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5. Such orders are under challenge.
6. Learned counsel for respondent bank has also been heard.
7. Pleadings are complete though issues were yet to be framed when the suit was directed to be returned.
8. Taking holistic view of the matter and while noticing that there is no embargo to invoke power under Section 24 CPC, the present petition is disposed of with the direction that instead of suit being returned, the suit in question i.e. CS (Comm) No. 1395/2022 Hemant Gupta Vs. Union Bank of India, which was pending before the District Judge (Commercial Court)-12, is directed to be transferred to a regular Court i.e. Court of learned District Judge, Central District, Tis Hazari.
9. Parties are directed to appear before learned Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi on 08.09.2025 at 2.00 PM for necessary allocation.
10. Before parting, this Court would also like to highlight one additional contention coming from defendant bank. It is submitted that though the pleadings are complete but they wanted to carry out some amendment in the written statement and also wanted to file certain documents. Once the suit is transferred to the Court of competent jurisdiction, needless to say, defendant bank would be at liberty to file any such application and the said Court would be at liberty to dispose of the same, in accordance with law, after giving due opportunity of hearing to both the sides.
11. The cost of Rs. 10,000/- imposed upon the plaintiff *vide* order dated 10.09.2024 is, however, directed to be waived.



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12. Petition stands disposed of in aforesaid terms.
13. Pending applications also stand disposed of in aforesaid terms.

**(MANOJ JAIN)**  
**JUDGE**

**AUGUST 26, 2025/dr/js**