



2026:DHC:3576-DB



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

Date of Decision: 27.04.2026

+ FAO (COMM) 119/2026, CM APPL. 27496/2026 and CM APPL. 27497/2026

AMEET SINGH LONGANIAppellant

Through: Mr. Munish Chhoker and Ms. Jyoti Verma, Advs.

versus

SATPAL BHASIN AND ORS.Respondents

Through: Mr. Bhuvneshar Tyagi, Adv. for R-1.
Mr. Rohit Aggarwal, Adv. for R-2 and R-3.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (O R A L)

ANIL KSHETARPAL, J.:

1. The present Appeal has been filed by the Appellant (Plaintiff before the Court of First Instance) assailing the correctness of Order dated 05.02.2026 [hereinafter referred to as 'Impugned Order'] passed by the Learned District Judge, Commercial Court, Tis Hazari Courts, Delhi [hereinafter referred to as 'LDJ'], *vide* which the application filed by the Appellant seeking restoration of his suit for specific performance to its original number came to be dismissed.

2. Pithily put, the Appellant had filed a suit for specific performance of a contract which was listed for hearing of applications under Order VII Rule 11 and Order XII Rule 5 of the Code of Civil Procedure, 1908 on 25.09.2025. On the said date, owing to the



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absence of the Appellant, the suit was dismissed in default.

3. Thereafter, the Appellant within the prescribed period of 30 days, preferred an application for restoration, on two primary grounds, *firstly*, that he was in the process of engaging new counsel in substitution of his previous advocate, which could not be finalized prior to the said date; and *secondly*, that although he intended to join the proceedings through virtual mode, being stationed in London, United Kingdom, he was unable to attend the hearing due to late-night professional commitments and consequently overslept. It was also contended that upon waking at approximately 12:00 noon (IST), he presumed that the matter would have already been adjourned.

3. Subsequently, the LDJ upon hearing the parties on the restoration application, dismissed the same. Aggrieved by the said dismissal, the Appellant has approached this Court.

4. Upon perusal of the Impugned Order, this Court is of the considered view that the LDJ has adopted an unduly hypertechnical approach in denying the relief of restoration. The reasoning and observation provided by the LDJ, appears to be predicated solely upon the isolated instance of non-appearance of the Appellant on 25.09.2025, without due regard to the broader conduct of the Appellant or the absence of any demonstrable pattern of deliberate or wilful default.

5. It is a settled principle that procedural rules are merely the handmaids of justice and ought not to be applied in a manner that defeats substantive justice. In the absence of any material indicating that the conduct of the Appellant was wilful or mala fide, the explanation provided, though not ideal, is reasonable in the



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circumstances, especially considering that the Appellant resides in a different time zone and had intended to join the hearing virtually.

6. In view of the foregoing, the present Appeal is allowed. The Order dated 05.02.2026 is set aside, and the suit is restored to its original number, subject to payment of costs in the sum of Rs.10,000/- (Rupees Ten Thousands Only) payable to the Respondents/Defendants. The parties are directed to appear before the LDJ on 07.05.2026.

7. All pending applications also stand closed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 27, 2026

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