



2026:DHC:2345-DB



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

+ **FAO (COMM) 66/2026, CM APPL. 14437-41/2026**

MS SHARDA RICE MILLAppellant

Through: Mr. Sanjeev Singh and Mr.
Sanjit Singh, Advocates.

versus

PC MODERN RICE MILLRespondent

Through:

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

% **10.03.2026**

C. HARI SHANKAR, J.

1. After some hearing, Mr. Sanjeev Singh, learned Counsel for the appellant, submits that he would be satisfied if this Court were to direct the learned District Judge (Commercial Court-06), Tis Hazari, who has passed the impugned order dated 23 December 2025, to dispose of the application of the appellant under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, within a time to be fixed by the Court.

2. Notice has already been issued on the said application by the impugned order of the learned Commercial Court, returnable on 11 February 2026. We are informed that there was no appearance on behalf of the respondent-defendant on the said date.



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3. We accordingly direct fresh notice on the suit and the application to be served on the respondent within two weeks from today. Let a reply to the application be filed by the respondent within two weeks of service and rejoinder thereto within one week thereof. These time periods shall be strictly adhered to.

4. We accordingly postpone the date of hearing before the learned Commercial Court to 13 April 2026. On the said date, we request the learned Commercial Court to take up the Order XXXIX application filed by the appellant finally for hearing and to pass orders thereon either on the same date or as expeditiously as possible. Neither party would be entitled to seek an adjournment from the learned Commercial Court on that date.

5. Needless to say, while disposing of the application, the learned Commercial Court would not be influenced by any observation contained in the impugned order.

6. The appeal is disposed of in the aforesaid terms. It is made clear that we have not expressed any opinion on the merits of the case.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

MARCH 10, 2026/pa