



2025:DHC:8871-DB



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

+ **FAO (COMM) 281/2025, CAV 381/2025, CM APPL. 62669-673/2025**

**M/S NOHAR CHAND LOHA BHANDAR
& ORS.**

.....Appellants

Through: Mr. Nishant Mahtta, Advocate

versus

**M/S SHRI BAJRANG POWER AND ISPAT
LTD**

.....Respondent

Through: Mr. J Sai Deepak, Sr. Advocate
with Mr. Sudarshan Kumar Bansal, Ms.
Purnima Vashistha and Mr. Shivendra
Pratap Singh, Advocates

**CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

ORDER (ORAL)

% **06.10.2025**

C. HARI SHANKAR, J.

1. This appeal has been preferred against an *ex parte ad interim* order dated 8 September 2025 passed by the learned District Judge (Commercial Courts), South East, Saket¹, on an application filed by the respondent-plaintiff under Order XXXIX Rules 1 and 2 of the

¹ "the learned Commercial Court" hereinafter



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CPC², in favour of the respondent and against the appellant.

2. The appellant is in appeal.
3. We have heard Mr. Nishant Mahtta, learned counsel for the appellant and Mr. J Sai Deepak, learned Senior Counsel for the respondent.
4. Learned counsel for the parties, are after some hearing, are agreeable *ad idem* to disposal of this appeal in the following terms :
 - (i) The date of final hearing of the application under Order XXXIX Rules 1 and 2 of the CPC, which is next listed before the learned Commercial Court on 10 October 2025, is postponed to 17 October 2025.
 - (ii) In the meanwhile, we direct the appellant to positively file a reply to the application under Order XXXIX Rules 1 and 2 of the CPC within a week from today. The respondent should, if it so chooses, file a rejoinder thereto, so as to be on record at least 24 hours in advance of the next date of hearing before the learned Commercial Court.
 - (iii) Both sides shall place on record brief notes of their respective written submissions, not exceeding four pages each, after exchanging copies with each other, at least 24 hours in

² Code of Civil Procedure, 1908



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advance of the next date of hearing before the learned Commercial Court, to facilitate the learned Commercial Court in proceeding with the matter.

(iv) We request the learned Commercial Court to take up the application under Order XXXIX Rules 1 and 2 CPC finally for hearing on 17 October 2025.

(v) Neither side shall be permitted to take any adjournment on the said date.

(vi) We also request the learned Commercial Court to decide the application either on the said date or as soon thereafter, as may be possible.

(vii) The rights of either side, who may be aggrieved by the order passed by the learned Commercial Court, to challenge the decision in accordance with law, would remain reserved.

(viii) The learned Commercial Court would proceed uninfluenced by the observations or findings contained in the impugned order dated 8 September 2025 as it is *ex parte* and *ad interim* in nature.

(ix) We have not expressed any opinion on the merits of the matter. All questions of facts and law shall remain open to be urged before the learned Commercial Court.



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5. The appeal is disposed of, in the aforesaid terms.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

OCTOBER 6, 2025/yg