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

Date of decision: 13th July, 2026.

Uploaded on: 16th July, 2026.

+ **RFA(COMM) 308/2025 & CM APPL. 31462/2025, CM APPL. 31463/2025**

PRADEEP SHARMA

.....APPELLANT

Through: None.

versus

ANIL CHANDEL

.....RESPONDENT

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. None appears for either of the Parties.
3. The present appeal has been filed by the Appellant under Section 13 of the Commercial Courts Act, 2015 read with Section 151 of the Code of Civil Procedure, 1908, *inter alia*, challenging the impugned judgment dated 28th August, 2024 passed by the Id. District Judge, (S/W) (Commercial Court)-01, Dwarka Courts, Delhi in **CS (COMM) No. 126/2023**. *Vide* the impugned judgment, the suit had been decreed by the Trial Court, against the Appellant, for a sum of Rs.8,43,580/-. The reasoning given by the Trial Court in the impugned judgment is as under:

“44. According to the plaintiff, on 14.05.2018, the defendant no. 1 had stolen his blank signed cheque and he noticed the said fact on 19.05.2018 and lodged FIR on 06.07.2018. Firstly, it is highly improbable that a



businessman would keep the cheque book having blank signed cheques with him. Secondly, if the defendant no. 1 had to steal the cheque then he would have stolen more cheques than one on 14.05.2018 as alleged. Thirdly, once, on 19.05.2018, the plaintiff noticed that the said cheque was missing though as alleged, he was not aware that it was the defendant no. 1 who had stolen the said cheque, he would have taken immediate action to this effect. Instead, he waited till 06.07.2018 to lodge an FIR that too through online which he would have done very easily on 19.05.2018 itself. Fourthly, even after coming to know the said fact in the year 2021 as alleged, the plaintiff has not taken any action against the defendant no. 1 or 2 to this effect. Hence, it can be held that the defendants had not misused the said cheque.

45. In view of the foregoing discussions, the plaintiff is held entitled to decree of Rs. 8,43,580.10.

46. In the present suit, the plaintiff has claimed Rs. 2,24,776.60 towards pre interest @ 12% per annum from 01.06.2018 till May, 2021. However, the plaintiff has failed to lead any evidence to prove that the parties agreed to the interest @ 12% per annum on the delayed payment. It is evident from the record that vide legal notice dated 17.09.2021 Ex. PW1/7, the plaintiff or the first time claimed the interest @24% per annum on Rs. 8,43,580.10. Hence, the plaintiff is held entitled to interest @ 12% per annum on Rs.8,43,580.10 as claimed from 17.09.2021 till the date of institution of the suit. The plaintiff has also claimed pendent elite and future interest @12% per annum which is on higher side. In the given circumstances of the case, a justifiable rate of interest is awarded to the plaintiff @9% per annum on Rs.

8,43,580.10 for pendent elite and future period till realization.

47. The plaintiff has failed to lead any evidence to prove, that he incurred the legal expenses of Rs. 50,0001-. Hence, the plaintiff is held not entitled to the said relief.



Accordingly, the issues no. 3 and 4 are decided in favour of the plaintiff and against the defendant no.1.”

4. There is a delay of 176 days in filing of the present appeal. The reason given for the delay is that the Appellant's wife was suffering from medical difficulties and was hospitalized between 27th November, 2024 to 6th December, 2024. No other reason has been given for the delay in filing the appeal.
5. The impugned judgment is dated 28th August, 2024 and in the application for condonation of delay, no explanation has been given for explaining the delay since August, 2024. Further, on 21st May, 2025, this Court had directed that the impugned judgment would not be executed, subject to deposit of 50% of the decretal amount by 20th July, 2025. The said amount was also not deposited and therefore, *vide* order dated 9th October, 2025, the interim order granted had been vacated.
6. At that stage, even the Respondent was not served. Now the Respondent is served but no one appears in the matter.
7. Under Section 13(1) of the Commercial Courts Act, 2015, a period of 60 days is prescribed for filing of an appeal. A perusal of the application seeking condonation of delay would show that the only explanation of hospitalization of the wife on 27th November, 2024 would be beyond the 60 days period which is prescribed under the Commercial Courts Act, 2015 from the date of judgment *i.e.*, 28th August, 2024.
8. The Supreme Court in the decision in ***Government of Maharashtra (Water Resources Department) Represented By Executive Engineer v. Borse Brothers Engineers & Contractors Pvt. Ltd., (2021) 6 SCC 460***, observed as under:



“58. Given the object sought to be achieved under both the Arbitration Act and the Commercial Courts Act, that is, the speedy resolution of disputes, the expression “sufficient cause” is not elastic enough to cover long delays beyond the period provided by the appeal provision itself. Besides, the expression “sufficient cause” is not itself a loose panacea for the ill of pressing negligent and stale claims.

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63. Given the aforesaid and the object of speedy disposal sought to be achieved both under the Arbitration Act and the Commercial Courts Act, for appeals filed under Section 37 of the Arbitration Act that are governed by Articles 116 and 117 of the Limitation Act or Section 13(1-A) of the Commercial Courts Act, a delay beyond 90 days, 30 days or 60 days, respectively, is to be condoned by way of exception and not by way of rule. In a fit case in which a party has otherwise acted bona fide and not in a negligent manner, a short delay beyond such period can, in the discretion of the court, be condoned, always bearing in mind that the other side of the picture is that the opposite party may have acquired both in equity and justice, what may now be lost by the first party's inaction, negligence or laches.”

9. Thus, condonation of delay in commercial appeals is the exception and not the rule.

10. Further, a Co-ordinate Bench of this Court in ***Delco Infrastructure Projects Pvt. Ltd. & Ors. V. Intec Capital Ltd. & Anr., 2025 SCC OnLine Del 2158*** has also refused to condone the delay in the following terms:

“10. In *N.V. International v. State of Assam, (2020) 2 SCC 109*, the Supreme Court had taken a view that the delay in filing an appeal under Section 37 of the Act cannot be condoned beyond a period of thirty days.



However, this decision was overruled by the Supreme Court in a subsequent decision in *Government of Maharashtra (Water Resources Department) Represented By Executive Engineer v. Borse Brothers Engineers & Contractors Pvt. Ltd.*, (2021) 6 SCC 460. The Supreme Court held that the power of the court to condone the delay in filing the appeal under Section 37(1) of the Act was not restricted to a period of thirty days as specified under the proviso to Section 34(3) of the A&C Act. However, the Supreme Court also observed as under:

“58. Given the object sought to be achieved under both the Arbitration Act and the Commercial Courts Act, that is, the speedy resolution of disputes, the expression “sufficient cause” is not elastic enough to cover long delays beyond the period provided by the appeal provision itself. Besides, the expression “sufficient cause” is not itself a loose panacea for the ill of pressing negligent and stale claims.....

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11. It is essential to adhere to time lines in matters involving commercial disputes. Any delay in filing appeals under Section 13(1A) of the Commercial Courts Act, 2015 cannot be condoned unless the court is satisfied that the appellants were prevented from sufficient cause from filing the appeal within the stipulated time. The court must be satisfied that such



cause is genuine and not an illusion to disguise lack of diligence.

12. In the facts of the present case, we are unable to accept that the appellants have shown any sufficient cause for condoning the delay in filing the present appeal.”

11. In the above decision, the Court has clearly held that if the reasons for delay are not genuine, the same does not deserve to be condoned.

12. Moreover, even the interim order passed by this Court has not been complied with. The delay having not been properly explained, this Court is not inclined to condone the delay in filing of the appeal.

13. In this case, apart from hospitalization of the wife of the Appellant, there are no other grounds that are cited.

14. The Court has also examined the matter on merits and it is seen that there is no ground made out for interference.

15. Accordingly, the appeal is dismissed. All pending applications are disposed of.

16. The Respondent is free to avail of remedies for execution of the decree in accordance with law.

**PRATHIBA M. SINGH
JUDGE**

**VIKAS MAHAJAN
JUDGE**

JULY 13, 2026

Rahul/Ck