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

\+ RFA(COMM) 77/2025

UTTARA FOODS AND FEEDS PVT LTD

.....APPELLANT

Through: Mr.Pawan Kumar Verma & Mr.Parth Verma, Advs.

versus

UTTAM KUMAR PANSARI

.....RESPONDENT

Through: Nemo.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

O R D E R

% 04.02.2025

CM APPL. 6984/2025 (Exemption)

1. Allowed, subject to all just exceptions.

2. The same is disposed of.

RFA(COMM) 77/2025 & CM APPL. 6981-83/2025

3. This appeal has been filed by the appellant challenging the Impugned Judgment and Order dated 03.12.2024 passed by the learned District Judge, Commercial Court-11, Central District, Tis Hazari Courts, Delhi (hereinafter referred to as, "The Trial Court"), in suit bearing CS (COMM) 647/2021, titled ***Uttam Kumar Pansari v. Uttara Foods and Feeds Private Limited***.

4. The learned counsel for the appellant submits that merely because the learned Trial Court found that the case set up by the appellant in its written statement could not be supported by

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documents, a notice under Section 379 of the Bharatiya Nagarik Suraksha Sanhita Act (in short, 'BNNS Act') has been issued to the appellant as well as its Authorized Representatives. He further submits that by the Impugned Judgment, liability of payment of interest has been fastened on the appellant by placing reliance on a printed calculation sheet submitted by the respondent/plaintiff and in spite of noticing that the same was inadmissible in evidence in the absence of the primary evidence.

5. Issue notice to the respondent to be served through all permissible modes, returnable on 21st August, 2025.

6. Let the Trial Court record be requisitioned for the next date of hearing.

7. In the meantime, upon the appellant depositing the decretal amount with the Registrar General of this Court within a period of four weeks from today, there shall be a stay on the execution of the Impugned Judgment and Decree, as well as on further proceedings under Section 379 of BNNS Act, initiated against the appellant and its Authorized Representatives.

NAVIN CHAWLA, J

SHALINDER KAUR, J

FEBRUARY 4, 2025/*rv*

Click here to check corrigendum, if any

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