



**Orientation Programme for the Officers of Delhi Higher Judicial
Service posted as District Judge**

Participants: District Judges (Commercial Courts)

11th March 2022

Delhi Judicial Academy, Dwarka, Sector - 14,

New Delhi - 110078

For Private and Internal Circulation only



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Commercial Courts Act, 2015

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2.	Hague Convention on Choice of Court Agreements, 2005	https://assets.hcch.net/docs/510bc238-7318-47ed-9ed5-e0972510d98b.pdf

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1.	253 rd Law Commission Report, Commercial Division and Commercial Appellate Division of High Courts and Commercial Courts Bill, 2015	http://lawcommissionofindia.nic.in/reports/Report_No.253_Commercial_Division_and_Commercial_Appellate_Division_of_High_Courts_and_Commercial_Courts_Bill._2015.pdf
2.	245 th Law Commission Report, Arrears and Backlog: Creating Additional Judicial (wo)manpower	http://lawcommissionofindia.nic.in/reports/Report_No.245.pdf
3.	240 th Law Commission Report on Costs in Civil Litigation(May, 2012)	http://lawcommissionofindia.nic.in/reports/report240.pdf
4.	222 nd Law Commission Report, Need for Justice-dispensation through ADR, 2009	http://lawcommissionofindia.nic.in/reports/report222.pdf
5.	188 th Law Commission Report, Proposals for Constitution of High-Tech Fast-Track Commercial Divisions in High Courts, 2003	http://lawcommissionofindia.nic.in/reports/188th%20report.pdf

F. OTHER REPORTS

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1.	Doing Business 2020 Comparing Business Regulation in 190 Economies	World Bank Group http://documents.worldbank.org/curated/en/688761571934946384/pdf/Doing-Business-2020-Comparing-Business-Regulation-in-190-Economies.pdf

2.	Doing Business 2019 Training for Reform	World Bank Group http://www.worldbank.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2019-report_web-version.pdf
3.	Doing Business 2018 Reforming to Create Jobs	World Bank Group http://www.doingbusiness.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2018-Full-Report.pdf
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2.	<i>Axis Bank Limited v. Mira Gehani & Ors</i> (¶¶96-103)	2019 SCC OnLine Bom. 358



3.	<i>Reliance General Insurance Company Ltd. v. Colonial Life Insurance Company (Trinidad) Limited</i> (¶¶10,12,20)	Notice of Motion Commercial Division No. 561 of 2018 Dated: 24.05.2019
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D. Summary Judgment under the Commercial Courts Act, 2015		
High Court of Delhi		
1.	<i>Jindal Saw Limited and Ors. v. Aperam Stainless Services and Solutions Precision SAS and Ors.</i> (¶¶ 26-27)	263 (2019) DLT 235
2.	<i>Su-Kam Power Systems Ltd. vs. Kunwer Sachdev and Ors.</i> (¶¶4,5,6,71,73)	264 (2019) DLT 326



3.	<i>K.R. Impex v. Punj Lloyd Ltd.</i> (¶¶28-30,34-36)	CS (COMM) 646/2016 Dated: 08.01.2019
4.	<i>Mallcom (India) Limited and Ors. v. Rakesh Kumar and Ors.</i> (¶¶16,19,21)	259(2019) DLT 1
5.	<i>Su-Kam Power Systems Ltd. v. Kunwer Sachdev</i> (¶¶90-91)	2019 SCC OnLine Del 10764
6.	<i>Universal Contractors & Engineers (P) Ltd. v. National Projects Constructions Corporation Ltd</i> (¶¶19, 24)	2019 SCC OnLine Del 11436
7.	<i>Sandisk LLC v. Memory World</i> (¶¶12-15)	2018 SCC OnLine Del 11243
8.	<i>Skechers USA INC and Ors. v. Pure Play Sports</i> (¶¶ 12-16)	2016(67 vPTC 324(Del)
9.	<i>Rockwood International A/S and Ors. V. Thermocare Rockwood India Pvt. Ltd.</i> (¶¶ 8, 9, 11, 13, 14, 15)	CS (COMM) 884/2017 Dated:16.10.2018
10.	<i>NSK India Sales Co. Pvt. Ltd. V. Proactive Universal Trading Corporation Private Ltd.</i>	CS (Comm) 33/2016 Order dated 9 th February 2017
11.	<i>Tata Sons Limited v. Mr. Rajbir Jindal</i> (¶¶ 7-19)	2017(8) AD(Delhi) 223
12.	<i>Satya Infrastructure Ltd. v. Satya Infra & Estates Pvt. Ltd.</i> (¶¶4,15)	2013 III AD (Delhi) 176
E.	Application of the Commercial Courts Act, 2015 in IPR Matters	
	Supreme Court	
1.	<i>Cycle Corporation of India Ltd v TI Raleigh Industries Pvt Ltd</i>	AIR 1996 SC 3295
2.	<i>Durga Dutt Sharma v Navaratna Pharmacy Laboratories</i>	AIR 1965 SC 980
	High Court of Delhi	
1.	<i>Christian Louboutin SAS v. Abubaker and Ors.</i> (¶¶ 5)	2018(74)PTC 301(Del)
2.	<i>Inter Ikea Systems B.V. and Ors. V. Sham Murari and Ors.</i> (¶¶ 24)	2018(76)PTC 121(Del)
3.	<i>Burger King Corporation v. Ranjan Gupta &Ors.</i> (¶¶ 21-24)	2018 SCC OnLine Del 11484
4.	<i>VINI Cosmetics Pvt. Ltd. V. Abhay Enterprises and Ors.</i> (¶¶ 14- 17)	2018 SCC OnLine Del 11708
5.	<i>Big Tree Entertainment Pvt. Ltd. v. Saturday Sunday Media Internet</i>	2015 SCC OnLine Del 14217
6.	<i>World Wrestling Entertainment, Inc. v. Reshma Collection</i>	2014 Indlaw Del 2917
7.	<i>Banyan Tree Holding (P) Ltd. v. Murali Krishna Reddy</i>	2008 Indlaw Del 2280
8.	<i>Yahoo v Akash Arora</i>	(1999 (19) PTC 201 (Del)



F.	Maintainability of Appeals u/s 13 of the Commercial Courts Act, 2015	
	Supreme Court	
1.	<i>Kandla Export Corporation and Ors. V. OCI Corporation and Ors.</i> (¶¶ 11-17, 21, 23-26, 28)	2018 (2) SCALE 368
2.	<i>Arun Dev Upadhyaya v. Integrated Sales Service Ltd. And Ors.</i> (¶¶ 11-14, 16, 21)	AIR 2016 SC 4899
3.	<i>Fuerst Day Lawson Ltd. And Ors. V. Jindal Exports Ltd.</i> (¶¶72-74)	AIR 2011 SC 2649
	High Court of Delhi	
1.	<i>South Delhi Municipal Corporation v. Tech Mahindra</i> (¶¶9-11)	EFA (OS) (COMM) 3/2019 DOD:12.02.2019
2.	<i>HPL (India) Limited and Ors. V. QRG Enterprises and Ors.</i> (¶¶ 5, 8, 24, 26-28, 30, 32-35, 40, 43, 48, 50)	238 (2017) DLT 123
3.	<i>Samsung Leasing Ltd. V. Samsung Electronics Co Ltd</i> (¶¶ 8-18)	2017(9) AD(Delhi) 657
	Other High Courts	
1.	<i>Base Industries Group v. Mahesh P. Raheja</i> (¶¶21-23)	(2019) 1 Bom CR 636
2.	<i>Shailendra Bhadauria v. Matrix Partners India Investment Holdings LLC</i> (¶¶44-45)	2018 SCC OnLine Bom 13804
3.	<i>Sushila Singhania and Ors. v. Bharat Hari Singhania and Ors.</i> (¶¶ 22, 24, 25, 29, 30, 33, 34, 42, 43, 46, 51, 54, 58, 60)	2017 (4) Bom CR 348
G.	Transfer of Appeal	
	Other High Courts	
1.	<i>Executive Director v. M/s. Y.R. Reddy Engineers, (Bombay) (Aurangabad Bench)</i> (¶¶ 16-21)	2017(5) Mh.LJ 660
H.	Transfer of Pending Cases	
	High Court of Delhi	
1.	<i>OKU Tech Private Limited v. Sangeet Agarwal and Ors.</i> (¶ 11)	2016 SCC OnLine Del 6601
2.	<i>Soni Dave and Ors v. Trans Asian Industries Expositions Pvt. Ltd.</i> (¶¶ 36, 37)	AIR 2016 Delhi 186
3.	<i>Guinness World Records Ltd. v. Sababbi Mangal</i> (¶¶ 5, 6, 17)	(2016) 230 DLT 377
4.	<i>Vifor (International) Limited v. High Court of Delhi</i> (¶4)	2016 (154) DRJ 67
	Other High Courts	
1.	<i>Dr. Dilip Choudhury v. Pratishruti Projects Limited &Ors.</i> (¶¶21-30)	Old G.A. No. 1369 of 2019 Dated: 09.01.2020 (Calcutta HC)
2.	<i>UjwalaRaje Gaekwar v. Hemaben Achyut Shah and Ors.</i> (¶¶ 5.4, 5.8)	(2017) 1 GLR 360(Guj)



3.	<i>Hubtown Limited v. IDBI Trusteeship Service Limited</i> (¶¶ 19, 22-24, 29, 30)	2017 (4) Bom CR 310
I.	Period of Limitation	
	High Court of Delhi	
1.	<i>NBCC (India) Ltd. v. Aircon Engineering Services</i> (¶¶ 7-9) (The period of limitation for filing written statement in a commercial suit starts from the first service and not subsequent service dates if the bailiff's report indicates successful service on the first occasion itself.)	C.S. (COMM) 232/2017 Order Dated: 03.09.2019
2.	<i>Telefonaktiebolaget L.M. Ericsson v. Lava International Limited</i> (¶¶ 20, 21, 22)	226 (2016) DLT 342
J.	Power to condone delay in filing written statements beyond the prescribed period of 90 days qua non-commercial suits	
	Supreme Court	
1.	<i>Desh Raj v. Balkishan</i>	(2020) 2 SCC 708
K.	Expeditious Disposal of Cases	
	High Court of Delhi	
1.	<i>Vifor (International) Ltd. v. Suven Life Sciences Ltd.</i> (¶¶ 1-2)	2019 SCC OnLine Del 7514

5. EXECUTION

A.	Execution of Foreign Court Decree (Section 44A, Sections 13 & 14)	
	Supreme Court	
1.	<i>Alcon Electronics Pvt. Ltd. v. Celem S.A. of FOS 34320 Roujan, France and Ors.</i> (¶¶ 13-15, 21)	AIR 2017 SC 1
2.	<i>M/s. International Woolen Mills v. M/s. Standard Wool (U.K.) Ltd.</i> (¶ 30)	AIR 2001 SC 2134
B.	Limitation For Execution Of Foreign Decree	
	Supreme Court	
1.	<i>Bank of Baroda v. Kotak Mahindra Bank Ltd.</i> (¶¶ 19, 35, 39, 43)	Civil Appeal No. 2175/ 2020 Dated: 17.03.2020
C.	Guidelines for Executing Courts	

High Court of Delhi		
1.	<i>M/s Bhandari Engineers & Builders v. M/s You One Maharia (Jv) Delhi & Ors (¶¶57-66)</i>	EX.P. 275/2012 Dated: 05.12.2019
2.	<i>Bhandari Engineers & Builders Pvt. Ltd. v. Maharia Raj Joint Venture</i>	(2016) 227 DLT 302

6. Speedy Justice

S No.	Name	Citation
a)	Speedy Justice	
	Supreme Court	
1.	<i>Mohd. Hussain @ Julfikar Ali v. State (Government of NCT of Delhi) (¶¶9,11,24,28,40)</i>	(2012) 9 SCC 408
2.	<i>Supreme Court Legal Aid Committee Representing Undertrial Prisoners v. Union of India (¶15-418)</i>	
3.	<i>Kartar Singh v. State of Punjab (¶¶185,186,190)</i>	(1994) 3 SCC 569
4.	<i>Abdul Rahman Antulay v. R.S. Nayak (¶(¶81-87,89)</i>	(1992) 1 SCC 225
5.	<i>Mantoo Majumdar v. State of Bihar(¶3)</i>	AIR 1980 SC 847.
6.	<i>Hussainara Khatoon(iv) v. Home Secretary, State of Biha (¶2,5)</i>	(1980) 1 SCC 81.
7.	<i>Sheela barse v. Union of Iindia(¶3)</i>	(1986) 3 SCC 632
8.	<i>Kadra Pahadiya v. State of Bihar (¶2)</i>	(1983) 2 SCC 104
9.	<i>Babu Singh v. State of UP(¶4)</i>	1978 SCC (1) 579
10.	<i>State of West Bengal v. Anwar Ali Sarkar (¶¶15-17)</i>	AIR 1952 SC 75
b)	Speedy Justice in Commercial Suits	
	Supreme Court	
1.	<i>Ambalal Sarabhai Enterprises Ltd. v. K.S. Infraspace LLP & Anr (¶¶15,35,40,41)</i>	2019 SCC OnLine SC 1311
	High Court of Delhi	
1.	<i>M/s Lifelong Mediatech Pvt. Ltd v. M/s United India Insurance Co. Ltd.(¶5)</i>	2018 SCC OnLine Del 9559
2.	<i>HPL (India) Limited & others v. QRG Enterprises and another (¶5¶,23)</i>	2017 SCC Online Del 6955
3.	<i>Union Of India. v. M/S Associated Construction Co (¶¶11,16,26))</i>	264 (2019) DLT 523
	Other High Courts	
1.	<i>Manyata Dealcom (P) Ltd. v. Dinkar Mishra (¶14)</i>	Com. Appeal No. 05 of 2018 Dated 01.07.2020

7. Force Majeure in Times of Covid-19: Challenges and the Road Ahead

1. CIRCULARS



S. No.	Title
1.	Ministry of Road Transport and Highways ('MORTH') circular dated 18.05.2020 ('MORTH Circular')
2.	Ministry of Home Affairs circular dated 17.05.2020
3.	Ministry of Finance office memorandum with respect to 'Manual for Procurement of Goods, 2017' dated February 19, 2020
4.	Ministry of Finance office memorandum with respect to 'Manual for Procurement of Goods, 2017' clarification dated May 13, 2020
5.	Ministry of New & Renewable Energy office memorandum with respect to solar project developers dated March 20, 2020

2. CASE LAWS

S. No.	Title	Citation
A.	Force Majeure and Performance of Contracts	
	Supreme Court	
1.	<i>South East Asia Marine Engineering and Constructions Ltd. v. Oil India Limited</i> (¶¶21-27)	Civil Appeal Nos. 673 and 900 of 2012 Dated: 11.05.2020
2.	<i>Energy Watchdog v. Central Electricity</i> (¶¶32-42)	(2017) 14 SCC 80
3.	<i>The Naihati Jute Mills Ltd. vs. Khyaliram Jagannath</i> (¶20)	AIR 1968 SC 522
4.	<i>Satyabrata Ghose v. Mugneeram Bangur and Company and Ors</i> (¶¶10-27)	AIR 1954 SC 44
	High Court of Delhi	
1.	<i>Rashmi Cement Ltd v. World Metals & Alloys (FZC) &Anr</i> (¶¶24-36)	O.M.P.(I)(COMM) 118/2020 Dated: 18.06.2020
2.	<i>M/S Polytech Trade Foundation v UOI</i> (¶¶45-51)	W.P.(C) 3029/2020 Order Dated: 22.05.2020
B.	Construction Contracts	
	High Court of Delhi	
1.	<i>MEP Infrastructure Developers Ltd. v South Delhi Municipal Corporation</i> (¶¶27, 29, 31)	W.P.(C) 2241/2020 Dated: 12.06.2020
C.	Invocation of Bank Guarantee	
	High Court of Delhi	



1.	<i>M/S Halliburton Offshore Services Inc. v. Vedanta Limited & Anr</i> (¶¶56-58, 62-63, 69)	O.M.P (I) (COMM.) No. 88/2020 Dated: 29.05.2020
2.	<i>Indrajit Power Private Limited vs. Union of India and Ors.</i> (¶¶54-55)	W.P. (C) 2957/2020 (URGENT) Dated: 28.04.2020
3.	<i>Coastal Andhra Power Limited v. Andhra Pradesh Central Power Distribution Co. Ltd. and Ors.</i> (¶29)	256(2019)DLT764
4.	<i>Global Steel Philippines v. STC of India Ltd.</i> (¶¶12,14,17-18)	FAO (OS) No. 186/2009, Dated: 12.05.2009
5.	<i>Global Steel Philippines (SPV-AMC) v. STC of India Ltd. and Ors.</i> (¶¶59-63)	2009 (110) DRJ 516
D.	Pledge of Shares	
	Other High Court	
1.	<i>Rural Fairprice Wholesale Limited and Ors. v. IDBI Trusteeship Services Limited and Ors.</i> (¶7)	2020 SCC OnLine Bom 518
E.	Classification of an asset as Non-Performing Asset (NPA)	
	High Court of Delhi	
1.	<i>Anant Raj Ltd v. Yes Bank</i> (¶¶25-31)	2020 SCC OnLine Del 543
2.	<i>Shakuntla Educational & Welfare Society v Punjab & Sind Bank</i> (¶¶13-14)	W.P.(C)2959/2020 Order Dated: 13.04.2020
3.	<i>India Bulls Housing Finance Ltd. v. Securities Exchange Board of India & Ors.</i> (¶8)	W.P.(C) Urgent No. 7/2020 order dated 03.04.2020
	Other High Court	
1.	<i>Transcon Skycity Pvt. Ltd. and Ors. v. ICICI Bank and Ors.</i> (¶¶38-44)	Writ Petition LD-VC Nos. 28 and 30 of 2020 Dated: 11.04.2020 (BOMHC)
F.	Invocation of LC's (Letter of Credits)	
	Other High Court	



1.	<i>Standard Retail Pvt. Ltd. and Ors. v. G.S. Global Corp. and Ors.</i> (¶4)	Commercial Arbitration Petition Nos. 408 and 407 of 2020 Dated: 08.04.2020 (BOMHC)
G.	Defaults in Payment of Reverse Factoring Facility	
	High Court of Delhi	
1.	<i>Eastman Auto & Power Ltd. v. Reserve Bank of India & Ors.</i> (¶¶15-16)	W.P.(C) 2997/2020 Order Dated: 27.04.2020
H.	Lease/Rent Agreements	
	Supreme Court	
1.	<i>Sushila Devi v. Hari Singh</i> (¶8)	AIR 1971 SC 1756
2.	<i>Dhruv Dev Chand v. Harmohinder Singh and Ors.</i> (¶¶9-11,17)	AIR 1968 SC 1024
	High Court of Delhi	
1.	<i>Gaurav Jain v. UOI</i> (¶¶4-6,9-10)	WP(C) 3519 of 2020, Dated: 15-06-2020
2.	<i>Ramanand and Ors. v. Girish Soni and Ors.</i> (¶¶30-32)	R.C. Rev. 447/2017 Dated: 21.05.2020
I.	Employment Contracts and Payment of Wages	
	Supreme Court	
1.	<i>Ficus Pax Private Ltd. and Ors. v. Union of India (UOI) and Ors.</i> (¶37)	W. P. (C) Diary No. 10983 of 2020 Order Dated:12.06.2020
	Other High Court	
1.	<i>Align Components Pvt Ltd v Union of India</i> (¶¶6,8)	W. P. STAMP NO.10569 of 2020 Order Dated: 30.04.2020 (BOM HC)

8. Practice Directions by HMJ Pratibha M. Singh

S.No.	Suit Title	Suit No.	Date of Decision	Direction(s)
1.	<i>Amrish Agarwal v. Venus Home Appliances Pvt. Ltd.</i>	CM (M) 1059/18	27.08.19	The TC's order, taking on record the Legal Proceedings Certificate relating to the trademark, was challenged on the ground that evidence had already concluded and the matter was at the stage of final arguments. The Court observed that in a trademark infringement matter, it is imperative for the Court to be able to see that the trademark itself is registered. <u>Directions were therefore passed, specifying the documents, such as the Legal Proceedings Certificate, which ought to be filed along with the plaint in trade mark infringement matters. (Para 7)</u>
2.	<i>Lalit Kumar v. M/s Samsonite IP Holding SARL</i>	CM (M) 737/19	29.08.19	The TC's order, appointing an LC to seize the alleged counterfeit products, was challenged on the ground that the name of Defendant No. 2 was mentioned as ' <i>Ashok Kumar</i> '. The reason given for not specifying the name of the Defendant was that the Plaintiff was unaware of the name of the Defendant's proprietor. In order to ensure that such grievances are not raised in the future, <u>a direction was given that if the name of the proprietor of the Defendant or any other entity is not known, the trading name shall appear in the memo of parties as the name of the Defendant. (Para 7)</u>
3.	<i>Satender Singh Rana &Ors. v. Gaon Sabha Kadipur &Anr.</i>	CM (M) 1017/19	29.08.19	In view of the fact that several adjournments were taking place due to non-receipt or non-supply of copies of complete pleadings and documents, <u>directions were passed in respect of service of copies of documents/pleadings between counsels and court clerks. (Para 3)</u>
4.	<i>BVG India Ltd. v. Navin Saini</i>	CM (M) 1311/19	04.09.19	In this case, a handwritten notation had caused confusion as to whether only the dispute in the suit was settled or whether all the disputes arising under the agreements between the parties were settled. <u>It was observed that the court which recorded the settlement ought to have perused the</u>

				<p><u>report and clarified the same prior to disposing of the suit. Direction was given to Mediators to not allow any handwritten notations or words, in the Mediation/settlement agreements, especially if the same are not countersigned/initialed by the Mediator himself. (Para’s 6&7)</u></p>
5.	<i>PSA Nitrogen Ltd. v. Maeda Corporation</i>	CM (M) 4/19	17.09.19	<p>The TC’s order, rejecting the Plaintiff’s application for condonation of delay in filing the written statement to the Defendant’s counterclaim, was challenged on the ground that the counter-claim had not been registered. The Court clarified that a counter-claim is governed by the same rules as applicable to plaints under the Commercial Courts Act. Hence, it was observed that every counter-claim must be registered before summons can be issued and the time for filing the written statement runs from the date of service of summons. <u>Directions were given prescribing the procedure to be followed for registration of counter-claims to ensure that there is no ambiguity in the timelines for filing of the written statement to the counter-claim. (Para 11)</u></p>
6.	<i>Rajesh Aggarwal v. Om Prakash &Anr.</i>	CM(M) 768/19	17.09.19	<p>The TC’s order, permitting an amendment to the plaint, was challenged on the ground that it was highly belated. The Court <u>observed that at the stage of final arguments the TC ought not to permit amendments in the plaint. (Para’s 4&5)</u></p>
7.	<i>M/s Prakash Oil Corporation &Anr. v. BrijKishan</i>	CM (M) 1002/18	19.09.19	<p>The question before the Court was whether the admissibility and mode of proof of an exhibited document is to be decided at the final stage or during the trial itself - at the time when the exhibit mark is being put on the document. The Court observed that the mere marking of a document as an exhibit does not amount to it being proved. Several judgments were relied on to clarify <u>the procedure to be adopted in the case of exhibition of documents. Finally, it was observed that “allowing objections regarding exhibited documents to be captured in the statement of the witness and permitting cross examination to be conducted without prejudice to</u></p>

				<i>the objections raised, would strike the right balance between ensuring that the trial is not protracted and that the rights of the party are also not jeopardized”. (Para’s 10-14)</i>
8.	<i>Veena Gupta v. Bajaj Allianz Life Insurance Co. Ltd.</i>	CM (M) 1555/19	30.10.19	The TC’s order, imposing costs on the Plaintiff for non-appearance, was challenged on the ground that the Junior Counsel’s appearance had wrongly been recorded as ‘Proxy Counsel’, due to which the Plaintiff was considered as having not appeared. <u>The Court issued directions clarifying when the term “Proxy Counsel” ought to be used.</u> (Para 6)
9.	<i>Zile Singh v. Santosh@Santra &Ors.</i>	CM (M) 1296/18	06.11.19	This petition challenged an order of the TC by which the evidence of a witness was directed to not be read, as no affidavit had been filed on their behalf and the evidence of another witness, who was present in Court, was not recorded, on the ground that the list of witnesses was not filed. In so far as the second witness was concerned, the Court held that <u>“once witnesses are summoned and are present before the Court, with notice to the opposite party, the usual procedure ought to be to record their evidence rather than sending them back”</u> . As regards the first witness, it was found that a <u>non-existent affidavit had been exhibited</u> . In view of these discrepancies in the recording of evidence, <u>directions were passed, specifying the manner in which evidence must be recorded.</u> (Para 14)
10.	<i>Ganga Ram v. Shekhar Kumar</i>	CM (M) 1656/19	22.11.19	Two grievances were raised in this petition. The first was that the TC had accepted the Plaintiff’s witness’ evidence by way of affidavit without the Plaintiff having filed a list of witnesses. The second was in relation to the de-exhibition of exhibited documents. With respect to the first grievance, while an exception was made in this case, it was observed that <u>parties ought not to be permitted to commence evidence without having filed a list of witnesses</u> . As regards the second grievance, it was observed that <u>the mere exhibition of a document does not amount to it being proved.</u> (Para’s 5-8)

11.	<i>Harwant Singh v. Govind Singh</i>	CM(M) 1662/19	22.11.19	In this case, the written statement was taken on record, subject to costs. A demand draft was made out in the name of the Plaintiff, however, the same was not accepted on the ground that the costs were to be tendered in the name of the Plaintiff's counsel. On the Plaintiff's claim that costs had not been tendered, the written statement was taken off the record and additional costs were imposed on the Plaintiff. Setting aside this order, the Court held that - " <u>Whenever orders are passed imposing costs on parties, unless there is any specific person in whose favour the costs are directed to be paid, it is understood that costs are to be in the name of the party in whose favour the costs are being awarded.</u> "(Para 5)
12.	<i>Krishan Kumar v. Shanti Devi&Anr.</i>	CM(M) 1694/19	29.11.19	The grievance in this petition was that the TC had settled the issues and also directed affidavits-in-evidence to be filed, without waiting for the Plaintiff's to file their replication. After passing certain directions, specific to the case at hand, the Court observed that - " <u>In order to avoid unnecessary delays and complexities, by framing issues prior to filing of replication, it is directed that in future, Trial Courts shall ensure that if permission for replication is being granted, issues shall be framed only after the replication is filed.</u> "(Para 4)
13.	<i>SarveshBisaria v. Anand NirogDham Hospital Pvt. Ltd.</i>	CM (M) 1787/19	17.12.19	In this case, though the suit had been filed under Order XXXVII CPC, summons were not issued under the said order. Instead, a template order had been passed which simply set out various portions of the CPC, did not record any satisfaction under Order XXXVII CPC and required the Defendant to file his written statement within 30 days of the receipt of summons. It was held that - " <u>Whenever summons are issued, the Court has to be conscious of the provision under which the summons is to be issued. The summons in a summary suit is completely different from the summons in Form No.2, for settlement of issues in an ordinary suit. Clearly, the Court has not taken into consideration that the suit was filed</u>

				<i>under Order XXXVII CPC and the Plaintiff's grievance is thus completely justified.”(Para 10)</i>
14.	<i>ICICI v. Naveen Kalkal; ICICI v. Priya Baveja; ICICI v. Deepanshu Bansal & Anr. & Connected Matters</i>	CM (M) 1821/2019; CM (M) 16/2020; CM (M) 18/2020	23.12.19 ; 13.01.20 20; 13.01.20 20	<p>These petitions concerned applications seeking permission to sell hypothecated vehicles. In all these cases, though possession of the vehicle had been taken by the Receiver, inordinate delay was being caused in the grant of permission for sale of the vehicle, leading to additional expenditure for maintenance etc. In view of this, as well as the fact that the value of the vehicle deteriorates as time passes by, the Court directed the TC to expeditiously consider such applications. The <u>directions, as to the manner in which cases of vehicle loans are to be dealt with</u>, as passed by a Id. Single Judge of the Delhi High Court in <i>M/s. ICICI Bank Ltd. v. Kamal Kumar Garewal, [FAO 49/2015, decided on 29th May, 2015]</i>, were reiterated and public auction was permitted in all the cases.</p> <p>(Naveen Kalkal: Para's 6-9; Priya Baveja: Para's 9-12; Deepanshu Bansal: Para's 5-8)</p>
15.	<i>YN Gupta (Deceased thr. LRs) v. MA Ramzana</i>	CM (M) 1827/19	24.12.19	<p>In this case, the matter had been heard and adjourned on more than 10 hearings, with the order-sheet showing the matter as being either 'part-heard' or listed 'for orders'. The Court held that it was <u>impermissible to repeatedly adjourn cases for orders</u> and observed that the same “<u>reflects extremely poorly on the Court system</u>” and that “<u>Repeated hearing of arguments also increases the litigation costs for litigants, as they have to incur expenses for legal representation, etc., Such a practice would also make access to justice unaffordable.</u>” (Para's 18-20)</p>

2. GENERAL READINGS

S. No.	Title	Author	Source
A.	Commercial Matters		
a)	General Readings		

1.	Dispute Resolution in India An Introduction	Nishith Desai Associates	http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/Dispute_Resolution_in_India.pdf
2.	Commercial Courts Act, 2015: An Empirical Impact Evaluation	Ameen Jauhar and Vaidehi Misra	Vidhi Centre for Legal Policy
3.	Resolving Commercial Disputes in India: Focus on 'Mediation' As an Effective Alternative 'Towards Ease of Doing Business	Vijay Kumar Singh, Professor, UPES, Dehradun	5 RFMLR (2018) 1 R
4.	Transnational Commercial Law in the Age of Globalization	Klaus Peter Berger	http://cisgw3.law.pace.edu/cisg/biblio/berger1.html
5.	An Analysis of the Commercial Division of High Courts Bill	Debashree Datta, Legal Manager, ICICI Bank, Mumbai	3(3) Indian Law Journal
6.	Commercial Litigation or Litigation Commercial: Specialised Commercial Courts in India	Justice V. Ramasubramanian,	2015 NLS Bus L Rev 79
7.	Fair, Timely, Economical Justice: Achieving Justice through Effective Case flow Management	National Judicial College, Reno, Nevada	https://www.judges.org/wp-content/uploads/Effective-Caseflow-Management.pdf
8.	ICT in Indian Court: Challenges & Solution	Rishi Prakash, T. Mohanty, Ramji Gupta & Vinay Jain	1(2) International Journal of Internet Computing (IJIC), 2011
9.	Information Technology and its Impact on Judiciary	Sri A.C. Upadhyay, Registrar General(ex), Gauhati High Court	http://nagaonjudiciary.gov.in/articleacu.htm
10.	National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary	E-Commerce, Supreme Court of India, New Delhi	http://hcraj.nic.in/action-plan-ecourt.pdf
11.	Status of Information Technology in Indian Courts	Courts Informatics Division, National Informatics Centre, Ministry of Information Technology	http://indiancourts.nic.in/courts/itinjud.html
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