

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9481/2025

(@Petition for Special Leave to Appeal (Civil) No.694/2025)

AASE RAM

Appellant(s)

VERSUS

AMIT KUMAR

Respondent(s)

O R D E R

1. Leave granted.

2. This appeal arises from the judgment and order passed by the High Court of Judicature at Allahabad dated 30-9-2024 in First Appeal No.278/2024 and Appeal from Order No.364/2024 respectively, by which the High Court dismissed the First Appeal as well as the Appeal from Order No.364/2024 filed by the appellant - herein.

3. We may clarify that the present appeal arises from the judgment and order passed by the High Court in First Appeal No.278/2024 and the order passed by the High Court in Appeal from Order is not a subject-matter of challenge before this Court.

4. Heard Mr. Abhinav Ramkrishna, the learned counsel appearing for the appellant and Mr. Sandeep Grover, the learned counsel appearing for the respondents.

5. The dispute is in a very narrow compass.

Signature Not Verified
Digitally signed by
VISHAL ANAND
Date: 2024.07.22
18:41:11 IST
Reason:

The appellant - herein instituted Original Suit No.449/23 in the Court of Civil Judge (Senior Division), Gautam Budh Nagar, U.P. for injunction and rendition of accounts. In the said Suit, the

respondent - herein (original defendant) took up a plea that since the dispute between the parties falls within the ambit of commercial dispute, the Court of Civil Judge (Senior Division) has no jurisdiction to try the suit. The defendant made two fold prayers in his application. He prayed for return of plaint under the provisions of Order VII Rule 10 of the Civil Procedure Code and in the alternative also prayed for rejection of the plaint under the provisions of Order VII Rule 11 CPC.

7. If the Civil Court is of the view that the dispute being commercial in nature has to go before the Commercial Court then the plaint has to be returned under Order VII Rule 10 CPC. The entire plaint cannot be rejected under Order VII Rule 11 CPC. This is the only clarification which is required in the present appeal.

8. We dispose of this appeal with a direction that the plaint of Original Suit No.449/2023 shall be handed over to the appellant - herein - original plaintiff so as to present it before the Court of competent jurisdiction i.e. the Commercial Court.

9. Let this exercise be undertaken within a period of two weeks from today.

10. The entire record of the proceedings shall stand transferred to the Commercial Court.

11. The order passed by the High Court to the extent of return of plaint stands affirmed.

12. Pending applications, if any, shall also stand disposed of.

.....J
(J.B. PARDIWALA)

.....J
(R. MAHADEVAN)

NEW DELHI
14TH JULY, 2025.

ITEM NO.55

COURT NO.9

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 694/2025

[Arising out of impugned final judgment and order dated 30-09-2024 in FA No. 278/2024 passed by the High Court of Judicature at Allahabad]

AASE RAM

Petitioner(s)

VERSUS

AMIT KUMAR

Respondent(s)

FOR ADMISSION and I.R.

Date : 14-07-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
 HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Mr. Abhinav Ramkrishna, AOR
 Ms. Chandni Singh, Adv.
 Mr. Jayendra Tiwari, Adv.
 Ms. Samina Thakur, Adv.
 Ms. Anjali Chauhan, Adv.

For Respondent(s) :

Mr. Sandeep Grover, Adv.
 Mr. Tarang Agrawal, Adv.
 Ms. Richa Deshpande, Adv.
 Mr. Pai Amit, AOR

UPON hearing the counsel the Court made the following
 O R D E R

1. Leave granted.
2. The appeal is disposed of, in terms of the signed order.
3. Pending applications, if any, shall also stand disposed of.

(VISHAL ANAND)
 ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
 COURT MASTER (NSH)
 (Signed Order is placed on the file)