

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP(C) No.16717/2024)

GUJARAT INDUSTRIAL INVESTMENT CORPORATION LTD. APPELLANT

VERSUS

VARANASI SRINIVAS & ORS.

RESPONDENTS

O R D E R

1. Leave granted.

2. A Division Bench of the High Court vide impugned order dated 25.04.2024 has dismissed the appeal filed under Section 13 of the Commercial Courts Act, 2015 on the ground of delay as well as on merits. The dismissal on merits, however, seems to be inconsequential for the reason that the suit itself was dismissed after closing the appellant - plaintiff's evidence. There was a delay of 476 days in filing the appeal before the High Court against that order dated 15.12.2022.

3. What is shocking, however, is that the appellant had filed the suit for recovery in the year 2001. It took more than 17 years for the Commercial Civil Court to frame the issues and thereafter that Court thought it appropriate to summarily conclude the suit by closing the plaintiff's evidence followed by a consequential dismissal order. The manner in which the suit has been dealt with raises so many questions, including the accountability of the system, the steps we need to take

to deliver timely justice and equally important is to sensitize the other stakeholders to provide requisite infrastructure for speedy disposal of the cases. While we have taken up the last issue suo motu in these proceedings for which the learned Amicus Curiae is assisting us, on the first two issues we find that the Civil Court ought to have given one or two more opportunities to the plaintiff to lead its evidence before it was abruptly closed on 26.09.2022. The dismissal of the suit was a *fait accompli* when the evidence had already been closed.

4. In the peculiar circumstances of this case where the plaintiff has been standing in queue for more than two decades, we are satisfied that the High Court too ought to have been sympathetic and compassionate while considering the application for condonation of delay of 476 days. It goes without saying that wherever the Courts are satisfied that the litigant is negligent in pursuing the remedy, the opposite party can be suitably compensated with costs. Such a recourse would have enabled the plaintiff-appellant to seek adjudication on merits, whether in favour or against, would be totally irrelevant.

5. For the reasons aforestated, the appeal is allowed. The impugned order of the High Court is set aside. Similarly, the orders dated 26.09.2022 and 15.12.2022 of

the Commercial Court at City Civil Court, Ahmedabad are also set aside. The said Court is directed to accord two opportunities to the plaintiff to lead its remaining evidence. Both these opportunities must be granted before 31.07.2025. If the plaintiff fails to lead evidence, the Commercial Court shall be at liberty to close the evidence. The respondent-defendant thereafter shall be given adequate opportunities to lead the defence evidence, followed by the judgment on merits.

6. The Commercial Court, in all circumstances, is directed to decide the suit on merits by 31.12.2025.

7. It is clarified that we have not expressed any opinion on merits of the case.

8. The parties are directed to appear before the Commercial Court on 16.06.2025.

9. For the purpose of *suo motu* proceedings, list this matter on 04.08.2025.

.....J.
(SURYA KANT)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi
May 23, 2025

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP(C) No.18196/2024)

GUJARAT INDUSTRIAL INVESTMENT CORPORATION LTD. APPELLANT

VERSUS

KHILEN DHARMSINH RAMAIYA & ORS.

RESPONDENTS

O R D E R

1. Leave granted.

2. As may be seen from the impugned order, the Commercial Civil Court has dismissed the suit for non-prosecution which was completely misdirected by the judge. Unfortunately, the High Court also could not appreciate the same, giving rise to this appeal.

3. Once the learned counsel for the plaintiff-appellant was present, the suit could not be dismissed for non-prosecution. It was obligatory for the Commercial Court to decide the same on merits.

4. Consequently, the impugned orders of the High Court as well as of the Commercial Court are set aside and the civil suit is restored to its original number and file, with a direction to the Commercial Court to proceed with the matter. If the parties' evidence is yet to be concluded, a reasonable opportunity be granted to them, ensuring that the civil suit is decided in all circumstances before 31.12.2025. The appeal is, accordingly, allowed.

5. It is clarified that we have not expressed any opinion on the merits of the case. The parties are directed to appear before the Commercial Civil Court on 16.06.2025.

6. For the purpose of *suo motu* proceedings, list this matter on 04.08.2025.

.....J.
(SURYA KANT)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi
May 23, 2025

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).16717/2024
[Arising out of impugned final judgment and order dated 25-04-2024
in CACD No.2115/2024 passed by the High Court of Gujarat at
Ahmedabad]

GUJARAT INDUSTRIAL INVESTMENT CORPORATION LTD. Petitioner(s)

VERSUS

VARANASI SRINIVAS & ORS. Respondent(s)
(IA No. 165315/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

WITH

SLP(C) No.18196/2024 (III)
(IA No. 164292/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 23-05-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

Ms. Astha Sharma, Adv.[A.C.]

For Petitioner(s) :Mr. Kabir Hathi, Adv.
Ms. Jesal Wahi, AOR

For Respondent(s) :Mr. Rajiv Narula, Adv.
Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR
Ms. Aakriti Vikas, Adv.

Mr. Anuj Kapoor, AOR
Mr. Shivom Sethi, Adv.

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

1. Leave granted.
2. The appeals are allowed in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR

(Two signed orders are placed on the file)