

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2026
[SPECIAL LEAVE PETITION (C) NO. 10707/2026]

M/S LOHIA AUTO INDUSTRIES & ORS. Appellant (s)

VERSUS

GABRIEL INDIA LIMITED & ORS. Respondent(s)

O R D E R

1. Leave granted.
2. This appeal is filed against the interim order dated 02.02.2026 passed by the High Court of Delhi in RFA (COMM) No. 69 of 2026, pending disposal of the First Appeal filed by the appellants - defendants in the suit.
3. While disposing of the interim application, the High Court has directed as under :-

"17. Meanwhile, it shall be required of the appellants to deposit a sum of Rs.36,13,175/- before the Registrar General of this Court. Respondent No. 1 - plaintiff shall be free to withdraw such amount after furnishing an undertaking that it shall abide by the final verdict of this Court, subject of course to its right of challenging the same.

18. So far as remaining decretal amount of about Rs.1.40 crore is concerned, the appellant shall furnish an undertaking before the Court that in case the appeal fails, the appellants shall pay the remaining amount to respondent No.1-

plaintiff, in terms of the decree passed by learned Commercial Court.

19. Subject to depositing the aforesaid sum before the Registrar General of this Court, the operation and execution of the impugned judgment and decree dated 30.10.2025, passed by learned District Judge (Commercial Court-05), South District, Saket Courts, New Delhi shall remain stayed."

4. Having heard learned counsel for the appellants and the respondents, we are of the opinion that interests of justice would be sub-served and balance of convenience will be maintained if we direct the appellants to deposit Rs.36,13,175/- in the Registry of the High Court within four weeks from today. Ordered accordingly. The amount so deposited shall be invested in an interest bearing Fixed Deposit, in a nationalised bank, on auto-renewal basis.

5. We further direct that the appellants need not give an undertaking as regards Rs. 1.40 Crores, as directed in Paragraph 18 of the impugned order passed by the High Court.

6. We request the High Court to endeavour taking up and disposing of the First Appeal within a period of six months from today.

7. With the above modification in the impugned order, the civil appeal stands disposed of.

8. Pending interlocutory application(s), if any,
is/are disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
AUGUST 10, 2026.

ITEM NO.22

COURT NO.4

SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s). 10707/2026

[Arising out of impugned final judgment and order dated 02-02-2026 in RFA (COMM) No. 69/2026 passed by the High Court of Delhi at New Delhi]

M/S LOHIA AUTO INDUSTRIES & ORS.

Petitioner(s)

VERSUS

GABRIEL INDIA LIMITED & ORS.

Respondent(s)

IA No. 90634/2026 - APPLICATION FOR SUBSTITUTION

IA No. 86591/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 135181/2026 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS, IA No. 90637/2026 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS, IA No. 135180/2026 - STAY APPLICATION

Date : 10-08-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) : Mr. Anirudh Sharma, AOR
Mr. Sanjeev Kumar Sharma, Adv.
Mr. Rajiv Dalal, Adv.
Mr. Varun Kesharwani, Adv.
Mr. Arayan Khare, Adv.
Ms. Atreyi Chatterjee, Adv.

For Respondent(s) : Mr. T. K. A Padmanabhan, Adv.
Ms. Varsha Iyer, Adv.
Ms. Geetanjali Das Krishnan, AOR
Ms. Nikita Jaydevan, Adv.

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

1. Application for substitution is allowed.
2. Leave granted.
3. The civil appeal is disposed of in terms of the signed order.
4. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
ASSISTANT REGISTRAR

(Signed order is placed on the file)