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

+ **FAO(OS) (COMM) 215/2018**

OBEROI REALTY LTD & ORS.

..... Appellants

Through: Mr. Rajiv Nayar, Senior Advocate with
Ms. Rashmi Singh and Ms. Nidhima Sareen,
Advocates.

versus

EIH LTD & ORS.

..... Respondent

Through: Mr. Sudhanshu Batra, Senior Advocate with
Mr. Pravin Anand, Mr. Shrawan Chopra,
Mr. Aditya Mishra and Mr. Pundreek
Dwivedi, Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **24.09.2018**

Caveat No.857/2018

Mr. Batra, learned Senior Counsel enters appearance on behalf of the
Caveator/respondents.

Accordingly, the Caveat stands disposed of.

CM APPLN. No. 37869/2018

Exemption allowed, subject to just all exceptions.

Application stands disposed of.

FAO (OS) (Comm.) No. 215/2018

The present appeal is directed against the order dated 05.07.2018
passed by the learned Single Judge by which an application filed by the
appellant herein under Order VII Rule 10 Code of Civil Procedure, 1908
raising a plea that the Court at Delhi has no territorial jurisdiction to hear the
matter, has been rejected.

It is not disputed that the present appeal would not be maintainable in view of the law laid down in ***FAO (OS) (COMM) No.12/2017*** titled as ***HPL (India) Limited and Ors. Vs.QRG Enterprises and Ors.***, reported in ***238 (2017) DLT 123***. Para 36 of HPL (India) Limited and Ors. (Supra), reads as under:

“36. Therefore, as the impugned order does not find place in the orders specifically enumerated in Order XLIII CPC, no appeal could lie against it and the present appeal is not maintainable. But, as the learned counsel for the appellants have made several submissions to the contrary we shall have to deal with them.”

Also see on ***FAO (OS) (COMM.) 186/2017*** titled as ***Varun Fashion Vs. ITC Ltd.***, decided on 14.11.2017.

It is however pointed out that an SLP is pending before the Supreme Court of India.

In view of the above, law laid down in the case of ***HPL (India) Limited and Ors. Vs.QRG Enterprises and Ors.***, the present appeal is dismissed as not maintainable.

CM APPLN. No. 37868/2018

In view of the order passed in the appeal, the present application is rendered infructuous.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 24, 2018 / gr