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

+ **FAO(OS) (COMM) 8/2018 & CM APPL. 2163/2018**

M/S SILVER EDGE TECHNOLOGIES PVT LTD..... Appellant

**Through: Mr.Arjun Singh Bawa and
Ms.Vishakha Gupta, Advocates.**

versus

M/S GETIT INFOSERVICES PVT LTD & ANR Respondents

**Through: Ms.Ruchi Sindhwani, Sr. Standing
Counsel along with Ms.Megha
Bharara for Official Liquidator.**

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% 24.01.2019

Aggrieved by the order dated 29.11.2017 passed by the learned Single Judge of this court, the appellant has preferred the present appeal. The appellant had instituted a suit Order XXXVII of the Code of Civil Procedure, 1908 (CPC). By the impugned order, learned Single Judge has held that the suit would not fall within the purview of Order 37 of the CPC.

A preliminary objection has been raised before us with regard to the maintainability of this appeal, relying on Section 13 of the Commercial Courts Act. Reliance is placed on HPL (India) Limited & Ors. vs. QRG Enterprises & Anr, reported as (2017) 166 DRJ 671 DB, which was followed by this court in the case of Varun Fashion vs. ITC Ltd., 2018 (167) DRJ 440 (DB).

Mr. Bawa, learned counsel for appellant has urged before us that since valuable rights have been affected, the appeal would be maintainable. He, however, does not dispute that the judgment in the case of *HPL* (supra) would apply to the facts of the present case.

We find no force in the submissions so made. The appeal would be barred under Section 13 of the Commercial Courts Act and the same is accordingly dismissed.

G.S.SISTANI, J

JYOTI SINGH, J

JANUARY 24, 2019

SSC