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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 114/2021 & C.M.Nos.29274-29275/2021**
ORCHID CONTAINER LINE(THAILAND)CO LTD Appellant
Through Mr.Milin Garg, Advocate.

versus

IAPL GROUP & ORS. Respondents
Through None

% Date of Decision: 02nd September, 2021

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MS. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present appeal has been filed challenging the orders dated 12th August, 2021 and 12th April, 2021 passed by learned Single Judge in CS (Comm) No. 162/2021.
2. Learned Counsel for the Appellant states that the learned Single Judge dismissed the application of the Appellant seeking declaration of the compromise decree dated 12th April 2021 as null & void *ab initio* and *non-est* in the eyes of law without a trial. He submits that Mr. Mithilesh Kumar wrongfully claimed to be an authorised representative of the Appellant, who without attempting to resolve the inter-se disputes, had chosen to tender a fraudulent and *non-est* undertaking before the learned Single Judge of Court in the capacity of Director of Appellant and got the matter settled without

consideration and estopped the Appellant from claiming and enforcing his rights.

3. This Court is of the view that the arguments advanced by learned counsel for the Appellant prove beyond doubt that there is an inter-se dispute between the Directors of the Appellant – a dispute which cannot be resolved or adjudicated in the suit filed by the plaintiffs/respondents. Such an inter-se suit between the Directors would not be barred under Order XXIII Rule 3A CPC.

4. It is also not understood as to what enforceable right the Appellant has lost by way of the impugned order dated 12th April, 2021. It is pertinent to mention that the learned Single Judge in the order dated 12th August, 2021 has held that it has not passed a compromise decree in the said suit.

5. Consequently, the present appeal along with pending applications being bereft of merit is dismissed.

MANMOHAN, J

NAVIN CHAWLA, J

**SEPTEMBER 02, 2021
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