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

+ **FAO(OS) (COMM) 151/2019 and CM APPL. 3051/2024**
(Vacation of Stay)

PUSHPA JAIN

.....Appellant

Through: Mr. TPS Kang, Mr. MD
Zunaid, Mr. Kabir Singh, Ms
Mehak Gupta and Ms. Mansi
Katoch, Advs.

versus

M/S LEO INFRA CAPITAL LTD & ORSRespondents

Through: Ms. Kshirja Agarwal and Mr.
Srikant Singh, Advs. for R-1.
Mr. Alok Kumar Aggarwal,
Ms. Anushruti and Ms. Snigdha
Rajpal, Advs. for R-2 to 4.

12

+ **FAO(OS) (COMM) 152/2019 and CM APPL. 3053/2024**
(Vacation of Stay)

DEVENDER KUMAR JAIN

.....Appellant

Through: Appearance not given

versus

M/S LEO INFRA CAPITAL LTD & ORSRespondents

Through: Ms. Kshirja Agarwal and Mr.
Srikant Singh, Advs. for R-1.
Mr. Alok Kumar Aggarwal,
Ms. Anushruti and Ms. Snigdha
Rajpal, Advs. for R-2 to 4.

13

+ **FAO(OS) (COMM) 153/2019 and CM APPL. 3049/2024**
(Vacation Of Stay)

DEVENDER KUMAR JAIN

.....Appellant

Through: Mr. TPS Kang, Mr. MD
Zunaid, Mr. Kabir Singh, Ms
Mehak Gupta and Ms. Mansi
Katoch, Advs.



versus

M/S LEO ISPAT LTD & ORS

.....Respondents

Through: Ms. Kshirja Agarwal and Mr.
Srikant Singh, Advs. for R-1.
Mr. Alok Kumar Aggarwal,
Ms. Anushruti and Ms. Snigdha
Rajpal, Advs. for R-2 to 4.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

10.12.2024

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1. These appeals are directed against the order dated 15 April 2019 in terms of which the learned Single Judge has disposed of an application seeking leave to defend. The said application has come to be granted subject to conditions imposed by the learned Single Judge.
2. The respondents take a preliminary objection to the maintainability of the appeal itself with it being pointed out that the same would not sustain in light of the provisions made in Order XLIII of the Code of Civil Procedure, 1908 [“CPC”].
3. We note from a reading of Order XLIII that no appeal is provided against an order granting leave to defend in terms contemplated under Order XXXVII.
4. In view of the aforesaid, the appeal is dismissed as being not maintainable. The present order shall be without prejudice to any other right that may be available in law to the appellants.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

DECEMBER 10, 2024/DR