



\$~14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 119/2024 CM APPL. 34497-98/2024**
RIDLEY LIFE SCIENCE PVT. LTD

..... Appellant
Through: Mr.Anshuman Sharma, Mr.Azaz
Ahmed, Advocates.

versus

MACLEODS PHARMACEUTICALS LIMITED

..... Respondent
Through: Ms.Archana Sahadeva, Mr.Siddharth
Raj Choudhary, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

31.05.2024

%

1. The appellant has filed the present appeal impugning an order dated 20.05.2024 (hereafter *the impugned order*) passed by the learned Single Judge in CS (COMM) No.726/2018 captioned, *Macleods Pharmaceuticals Limited v. Ridley Life Science Pvt. Limited*, whereby the appellant's application under Order XVIII Rule 17 read with Order XIX Rule 4 of the Code of Civil Procedure, 1908 (hereafter *the CPC*) was rejected.
2. The present appeal is not maintainable as no appeal under Section 13(1A) of the Commercial Courts Act, 2015 lies against the impugned order. The orders passed under Order XVIII and XIX of the CPC are not enumerated as orders under Order XLIII Rule (1) of the CPC.
3. In *Kandla Export Corporation & Another v. OCI Corporation & Another : (2018) 14 SCC 715*, the Supreme Court held as under:-



“14. The proviso goes on to state that an appeal shall lie from such orders passed by the Commercial Division of the High Court that are specifically enumerated under Order 43 of the Code of Civil Procedure Code, 1908, and Section 37 of the Arbitration Act. It will at once be noticed that orders that are not specifically enumerated under Order 43 of the CPC would, therefore, not be appealable, and appeals that are mentioned in Section 37 of the Arbitration Act alone are appeals that can be made to the Commercial Appellate Division of a High Court.”

4. The issue is also covered by the decisions of this Court in *HP Cotton Textile Mills Limited v Oriental Insurance Company Limited : Neutral Citation No.2023/DHC/000632*, and *Odeon Builders Pvt Limited v. NBCC (India) Limited : Neutral Citation No.2021:DHC:2822-DB*.

5. In view of the above, the above-captioned appeal is not maintainable and is, accordingly, dismissed. All pending applications also stand disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 31, 2024

M

[Click here to check corrigendum, if any](#)