



\$~7

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO (COMM) 224/2023 and CM Nos.55992/2023 & 55993/2023**

SIDDHARTH KHULLAR Appellant
Through: Mr Viney Sharma, Advocate.

versus

RAKESH MIDHA AND ANR. Respondents
Through: Mr Abhishek Kumar, Mr Krishan
Kumar, Mr Sumit Kashyap and Mr
Shrish, Advocates.

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

ORDER

31.01.2024

%

1. The appellant has preferred the present appeal impugning the orders dated 24.05.2023 and 07.06.2022 (hereafter collectively referred as '**impugned orders**'). The impugned orders were passed in CS (COMM.) 418/2020 captioned ***Rakesh Midha v. Sidhharth Khullar***. The order dated 24.05.2023 was passed rejecting the application for seeking recall of the order dated 14.07.2022 which was passed under Order XVA of the Code of Civil Procedure (hereafter '**CPC**').
2. The orders impugned in the present appeal are not appealable under Order XLIII Rule 1 of the CPC.
3. It is now well settled that an appeal would lie only against such orders that are enumerated under Order XLIII Rule 1 of the CPC in terms of proviso to Section 13(1A) of the Commercial Courts Act, 2015. (Ref: ***Kandla Export Corporation & Anr. v. OCI Corporation & Anr.: (2018) 14***



SCC 715, Odean Builders Pvt. Ltd. v. NBCC (India) Ltd: Neutral Citation No.2021: DHC:2822-DB, Prime Hi-Tech Engineering Limited v. Sahara Forage ET BTP Sarl Limited Liability Company (P) Ltd: Neutral Citation No.2023: DHC:5266-DB, Arrena Overseas Private Limited v. Batra Art Press.: Neutral Citation No.2023: DHC:7446-DB).

4. In view of the above, the appeal is dismissed.
5. All pending applications are also disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

**JANUARY 31, 2024
RK**