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

+ **FAO(OS) (COMM) 260/2024**

PUNJAB NATIONAL BANK

.....Appellant

Through: Mr. Hashmat Nabi and Mr. Mohit
Nagpal, Advs.

versus

M S NAARAD MEDIA PVT LTD & ANR.Respondents

Through: Mr. Saurabh Dev Karan Singh and
Ms. Neha Arya, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

21.11.2024

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1. The present appeal seeks to assail the order dated 27.08.2024 passed by the learned Single Judge in IA 37393/2024 in CS (OS) No.53/2016 filed by the respondent/plaintiff.
2. Vide the impugned order, the learned Single Judge, in view of the objection raised by the appellant that the suit was required to be filed as a commercial suit, directed that the suit as filed by the respondent in the year 2016 be treated as a commercial suit and has consequently permitted the respondent to file the requisite statement of truth and additional affidavit in compliance with the provisions of the Commercial Courts Act, 2015.
3. On the last date, learned counsel for the respondents appearing on advance notice, had opposed the very maintainability of the appeal by urging that an order rejecting an application under Order VII Rule 11 of the Code of Civil Procedure, 1908 was not appealable under Section 13(1A) of



the Commercial Courts Act, 2015.

4. In the light of this objection, learned counsel for the appellant had sought time to obtain instructions and make submissions.

5. Today, after some arguments, he seeks leave to withdraw the present appeal with liberty to avail of other appropriate remedies as per law to avail the interim order.

6. As prayed for, the appeal is dismissed as not pressed making it clear that it will be open for the appellant to avail of any other appropriate remedies as may be available as per law to avail the interim order, wherein appellant will be entitled to raise all permissible grounds including grounds raised in the present appeal.

REKHA PALLI, J

SAURABH BANERJEE, J

NOVEMBER 21, 2024/akc