



\$~45

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO (COMM) 230/2024, CM APPL. 69648/2024-Stay, CM APPL. 69649/2024-Exp**

M/S PRAGYA BOOK DISTRIBUTORSAppellant

Through: Mr. Ravi Shankar and Mr. Ankur
Tripathi, Advocates

versus

M/S RACHNA SAGAR PRIVATE LIMITEDRespondent

Through: None

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

28.11.2024

%

1. The present appeal under Section 13(1A) of the Commercial Courts Act, 2015 seeks to assail the orders dated 21.09.2024 and 14.10.2024 passed by the learned District Judge, Commercial Court, Central District, Tis Hazari Courts, New Delhi in CS (COMM) 908/2023.

2. At the outset, learned counsel for the appellant submits that since a decree has already been passed in the suit filed by the respondent/ plaintiff on 07.11.2024, instead of pressing the present appeal, the appellant may be granted leave to withdraw the present appeal against the impugned judgment and instead prefer an appeal to assail the same by raising all grounds permissible in law, including all the grounds already raised in the present appeal.



3. As prayed for, the appeal alongwith the pending applications, is disposed of, as not pressed with liberty as prayed.

4. We, therefore, make it clear that in case the appellant files an appeal assailing the impugned judgment dated 07.11.2024, it will be open for the appellant to raise all grounds permissible in law including grounds raised in the present appeal, on which we have expressed no opinion.

REKHA PALLI, J

SAURABH BANERJEE, J

NOVEMBER 28, 2024/So