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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**COMMERCIAL APPEAL FROM ORDER NO. 2 OF 2025
WITH
INTERIM APPLICATION NO. 1393 OF 2025**

Trident Marbles Private Limited .. Appellant

Versus

**Mour Marble Industries Private
Limited** .. Respondent

Mr. Vishal Kanade a/w Mrs. Yasmin Bhansali and Mr. Amir Shah i/by Yasmin Bhansali & Co. for appellant.
Mr. Girish Kedia a/w Krushang Kedia for respondent.

**CORAM: ALOK ARADHE, CJ. &
BHARATI DANGRE, J.**

DATE: 11th FEBRUARY, 2025

P.C.:

1. This appeal under Section 13 (1-A) of the Commercial Courts Act, 2015 has been filed against the order dated 18th December, 2024 by which Notice of Motion seeking rejection of Plaint on the ground that same is barred by limitation has been dismissed.

2. Learned counsel for the respondent at the out-set submitted that the appeal is not maintainable as the order impugned is not an order appealable under Order XLIII Rule 1 of the Code of Civil Procedure, 1908. In support of aforesaid submission, he placed reliance on the decision of the Division Bench of this Court in the case of ***Bank of India & Anr. Vs. Maruti Civil Works, 2023 SCC OnLine Bom 2267.***

3. We agree with the reasons assigned by the Division Bench of this Court in ***Bank of India*** (*supra*). The appeal is, therefore, held to be not maintainable. The same is disposed of with the liberty to the appellant to take recourse to such remedy as may be available to it in law.

4. Pending interim applications, if any, stand disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)