

Jvs.

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

COMMERCIAL APPEAL FROM ORDER NO. 15 OF 2025

JAYANT
VISHWANATH
SALUNKE

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S. R. Developers & Anr.	}	Appellant
versus		
Alams Enterprises & Ors.	}	Respondents

Mr. Rajesh L. Dharap for appellant.

Mr. Ashutosh Thipsay i/b. Mr. S. S. Kharat
for respondent no. 1.

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: JULY 4, 2025

ORAL ORDER: (Per Chief Justice)

1. This appeal filed under section 13(1-A) of the Commercial Courts Act, 2015 has been filed against the order dated 4th March 2025 passed by the City Civil Court, Dindoshi, Goregaon, Mumbai, by which, the notice of motion preferred by the appellants under Order VII Rule 11 of the Code of Civil Procedure 1908 has been rejected.

2. Section 13(1-A) of the Commercial Courts Act, 2015 reads thus:

"13. Appeals from decrees of Commercial Courts and Commercial Divisions. - (1)

(1-A) Any person aggrieved by the judgment or order of a Commercial Court at the level of District Judge exercising original civil jurisdiction or, as the case may be, Commercial Division of a High Court

may appeal to the Commercial Appellate Division of that High Court within a period of sixty days from the date of the judgment or order:

Provided that an appeal shall lie from such orders passed by a Commercial Division or a Commercial Court that are specifically enumerated under Order XLIII of the Code of Civil Procedure, 1908 (5 of 1908) as mentioned by this Act and section 37 of the Arbitration and Conciliation Act, 1996 (26 of 1996)."

3. Thus, it is evident that against an order passed at the level of District Judge, an appeal would lie only against such orders which are enumerated under Order XLIII Rule 1 of the Code of Civil Procedure, 1908. An order rejecting an application under Order VII Rule 11 is not an order appealable under Order XLIII Rule 1 of the Code of Civil Procedure, 1908. Therefore, this appeal is not maintainable. It is, accordingly, dismissed. However, liberty is reserved to the appellants to challenge the order dated 4th March 2025 by way of appropriate remedy as is available in law.

4. Needless to state that in case the appellants resort to the remedy available in law, they shall be entitled to invoke the provisions of section 14 of the Limitation Act, 1963.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)