

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

COMMERCIAL APPEAL FROM ORDER NO. 16 OF 2025

ALONGWITH

INTERIM APPLICATION NO. 8788 OF 2025 (FOR STAY)

M/s. Ved Communications and Ors.

....*Petitioners*

: *Versus* :

M/s. South Asia FM Ltd.

....*Respondent*

Mr. Rajesh Kanojia (through V.C.) with Mr. Aruj Pande i/b. Mr. Rohan Surve, for the Petitioner.

None for the Respondent.

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

DATED : 4 JULY 2025.

P.C. :

1) This Appeal under Section 13(1-A) of the Commercial Courts Act, 2015 is filed against an order dated 15 February 2025 by which application preferred by the Appellant under Order 7 Rule 11, as well as Order 7 Rule 10 of the Civil Procedure Code has been rejected.

2) Section 13 (1-A) of the Commercial Courts Act, reads as under :

13. Appeals from decrees of Commercial Courts and Commercial Divisions.—

(1) [Any person aggrieved by the judgment or order of a Commercial Court below the level of a District Judge may appeal to the Commercial Appellate Court within a period of sixty days from the date of judgment or order.

(1A) 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 amended by this Act and section 37 of the Arbitration and Conciliation Act, 1996 (26 of 1996).]

(2) Notwithstanding anything contained in any other law for the time being in force or Letters Patent of a High Court, no appeal shall lie from any order or decree of a Commercial Division or Commercial Court otherwise than in accordance with the provisions of this Act.

3) In view of the Proviso to Section 13(1-A) of the Act, 2015 it is evident that the Appeal lies against the orders which are appealable under Order 43 Rule 1. The order rejecting the application under Order 7 Rule 11 or application under Order 7 Rule 10 is not an order appealable under Order 43 Rule 1. Therefore, the instant Appeal is not maintainable. However, the Appellant is at liberty to take recourse to such remedy as may be available to him in law. Needless to state that the Appellant shall be entitled to benefit of Section 14 of the Limitation Act. With the aforesaid liberty, the Appeal is dismissed.

4) With dismissal of the Appeal, the Interim Application taken out for stay does not survive. The same also stands disposed of.

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[SANDEEP V. MARNE, J.]

[CHIEF JUSTICE]