

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**COMMERCIAL APPEAL NO. 45 OF 2024
WITH
INTERIM APPLICATION (L) NO. 17048 OF 2021**

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**Al Kabeer Exports Private Limited } Appellant
Versus
Avana Global FZCO & Ors. } Respondents**

Mr. Charlews De Souza with Mr. Shantanu Ray i/b. Mr. Shantanu Ray for appellant.

Mr. Prashant Pratap with Ms. Sneha Goud, Ms. Lavanya Chopra i/b. Bose & Mitra & Co. for respondents.

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

DATE: FEBRUARY 6, 2025

P.C.:

1. In this appeal, filed under section 13(1-A) of the Commercial Courts Act, 2015 challenges the validity of the order dated 13th July 2023 passed by the Commercial Court, by which the learned Single Judge has refused to grant ad-interim relief to the appellant.

2. Learned counsel for the petitioner fairly submitted that subsequently, the suit has been transferred to the City Civil Court and an application for interim relief under Order 38 Rule 5 of the Code of Civil Procedure, 1908 (CPC), which has been filed by the appellant, is pending consideration before the said Court.

It is further submitted that the respondents have received notices and have filed reply to the said application for interim relief.

3. Learned counsel for the appellant submits that the learned Judge of the City Civil Court be directed to decide the application preferred by the appellant seeking interim relief by a speaking order without being influenced by the observations contained in the order dated 13th July 2023 passed by the learned Single Judge.

4. The aforesaid prayer is fairly not opposed by learned counsel for the respondents.

5. In view of the aforesaid submissions and taking into account the fact that the application for interim relief filed under Order 38 Rule 5 of CPC is pending before the learned Judge of the City Civil Court, the appeal is disposed of with a direction to the learned Judge of the City Civil Court to decide the application for interim relief by a speaking order within a period of 10 weeks from today without being influenced by any of the observations contained in the order dated 13th July 2023 passed by the learned Single Judge.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)