

CR-1979-2023

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2025:PHHC:119430



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-1979-2023

Date of decision : 03.09.2025

Omesh Dhown

... Petitioner

Versus

M/s Orris Infrastructure Private Limited

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Varun Kathuria, Advocate
for the petitioner.

Mr. Surjeet Bhadu, Advocate and
Mr.Veer Singh, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 17.01.2023 (Annexure P-17) passed by the Additional District Judge-cum-Presiding Judge, Exclusive Commercial Court at Gurugram, vide which the application of the petitioner-plaintiff under Order XIII A of the Commercial Courts Act, 2015 has been dismissed.

2. Learned counsel for the respondent has submitted that the present revision petition is barred under Section 8 of the Commercial Courts Act, 2015. Section 8 of the Commercial Courts Act, 2015 is reproduced



hereinbelow:-

“8. Bar against revision application or petition against an interlocutory order. Notwithstanding anything contained in any other law for the time being in force, no civil revision application or petition shall be entertained against any interlocutory order of a Commercial Court, including an order on the issue of jurisdiction, and any such challenge, subject to the provisions of section 13, shall be raised only in an appeal against the decree of the Commercial Court.”

3. It is further submitted by learned counsel for the respondent that as per the abovesaid provision, in case the petitioner is aggrieved with an interlocutory order passed in the case, then it is open to the petitioner to challenge the same by filing an appeal against the decree of the Commercial Court in case the decree is against the petitioner.

4. Learned counsel for the petitioner has submitted that in view of the above, the petitioner be permitted to withdraw the present petition with liberty to challenge the order dated 17.01.2023 along with an appeal to be filed against the decree in case need arises and in case the judgment of the Commercial Court is against the petitioner.

5. In view of the above, the present petition is dismissed as withdrawn with the aforesaid liberty.

(VIKAS BAHL)
JUDGE

September 03, 2025.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No