



\$~55

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

LPA 6/2025

M/S. EXCLUSIVE CAPITAL LIMITEDAppellant

Through: Mr.Harish Malhotra and Mr.Ravi Gupta, Senior Advocates with Mr.Apoorv Aggarwal, Mr.Manav Goyal, Mr.Abhishek Kr. Jaiswal, Ms.Jahnavi Gupta, Ms.Manavi Jain, Ms.Muskan, Advs.

versus

VSJ INVESTMENTS PVT. LTD

.....Respondent

Through: Mr.Sandeep Sethi, Sr. Adv. with Mr.Sanyam Khetarpal, Ms.Devika Mohan, Ms.Lisa Sankrit, Advs. for R/VSJ Investment.

Mr.Rajiv Nayar, Sr. Adv. with Mr.Sidhant Kumar, Ms.Manyaa Chandok, Mr.Rakshit Dhingra, Advs. for Asian Hotels North Ltd.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

17.01.2025

%

CM APPL. 522-23/2025

1. Allowed, subject to all just exceptions.

LPA 6/2025 & CM APPL. 521/2025, CM APPL. 1656/2025

2. The learned senior counsel for the respondent, who appears on advance notice, points out that the present appeal would not be maintainable.

3. To answer the above objection, the learned senior counsel for the appellant submits that though the application on which the Impugned Order has been passed by the learned Single Judge was filed under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (in short, 'CPC'), the Impugned Order has been passed by treating the said application as one filed under



Order XXII Rule 10 of the CPC. He submits that, therefore, the appeal shall be maintainable against the Impugned Order.

4. At this stage, it is pointed out that there would be a special requirement if this appeal is to be filed under the Commercial Courts Act, 2015. Furthermore, the Memo of Parties in the present appeal is also defective.

5. Faced with this situation, the learned senior counsel for the appellant prays for leave to withdraw the present appeal with liberty to file a fresh appeal in accordance with the law.

6. The learned senior counsels for the parties submit that before the previous Bench on 13.01.2025, it had been agreed that they shall maintain the *status quo* till the present appeal is taken up.

7. The parties shall abide by that statement for a further period of one week. However, we make it clear that we have not examined the merits of the appeal or the claim of the appellant, and therefore, this order will not, in any manner, prejudice the consideration of the fresh appeal or the *interim* application filed therewith, whenever it is taken up. We are also not making any comment on what is the present status.

8. The appeal and the pending applications are, accordingly, disposed of as withdrawn, with liberty as prayed for.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 17, 2025/Arya/DG

[Click here to check corrigendum, if any](#)