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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 29/2025**
INSTITUTE OF MARKETING AND MANAGEMENT

.....Appellant

Through: Mr.Sanjiv Kakra, Sr. Adv. with
Mr.Arjun Mahajan, Mr.Sumit
R. Sharma, Mr.Raghavendra N.
Bhudholia, Mr.Aakash, Advs.

versus

**THE INDIAN INSTITUTE OF PLANNING AND
MANAGEMENT**

.....Respondent

Through: Mr.Raman Kapur, Sr. Adv.
with Mr.Varun Kapur,
Mr.Nabil Ahmed Khan, Advs.
with Mr. Vishal Gupta, AR.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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27.02.2025

CM APPL. 9723/2025

1. Allowed, subject to all just exceptions.

FAO(OS) (COMM) 29/2025

2. This appeal has been filed by the appellant, challenging the Order dated 20.01.2025 passed by the learned Single Judge of this Court on an application, being I.A.4143/2023, in CS(COMM) 326/2020 titled, '*Institute of Marketing and Management v. The Indian Institute of Planning and Management*', dismissing the said application which had been filed by the appellant under Order XII Rule 6 of the Code of Civil Procedure, 1908 (in short, 'CPC').



3. At the outset, we may note that in terms of the Judgment of this Court in *Arrena Overseas Pvt. Ltd. v. Batra Art Press*, 2023:DHC:7446-DB, the present appeal is not maintainable under Section 13 of the Commercial Courts Act, 2015.

4. Accordingly, the appeal is dismissed, leaving it open to the appellant to avail its remedy in accordance with the law.

5. The learned senior counsel for the appellant has submitted that this Court had earlier entertain an appeal filed by the respondent being FAO(OS)(COMM) 162/2024, which had been filed challenging the Orders passed by the learned Single Judge, dismissing the applications of the respondent under Order VII Rule 11 of the CPC, being I.A.14120/2021; an application filed under Order VII Rule 10 of the CPC, being I.A.14122/2021, and an application under Section 151 of the CPC, being I.A.14121/2021. He submits that the appeal against the said Orders were also not maintainable, however, was entertained by this Court.

6. We are of the opinion that if an error has been committed in the said Order, it would not make the present appeal maintainable. It shall be open to the appellant to avail its remedy even against the Order dated 06.12.2024 passed in the said appeal.

7. The appeal is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

FEBRUARY 27, 2025/Arya/IK

Click here to check corrigendum, if any