



2025:DHC:7342-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 132/2025, CM APPL. 52807/2025, CM APPL. 52808/2025 & CM APPL. 52809/2025**

M/S CEE VIDEO MOVIESAppellant
Through: Mr. M. Gireesh Kumar, Mr.
Anand Shrivastava and Mr. Sanjay Singh,
Advs.

versus

M/S AMBALAKKARA FILMSRespondent
Through:

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)
25.08.2025

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C. HARI SHANKAR, J.

1. This appeal, under Section 13 of the Commercial Courts Act, is directed against the following order, passed by a learned Single Judge of this Court:

- “6. Let the plaint be registered as a suit.
7. Issue summons in the suit and notice in the applications.
8. Mr M. Gireesh Kumar, Advocate accepts summons in the suit and notice in the applications on behalf of the defendant and waives issuance of formal summons.
9. Written statement to the suit and reply to the application shall be filed by the defendant within thirty (30) days from today.



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Along with the written statement, the defendant shall also file affidavit of admission/denial of the documents of the plaintiff, without which the written statement shall not be taken on record.

10. Liberty is given to the plaintiff to file replication, if any, within thirty (30) days from the receipt of the written statement. Along with the replication filed by the plaintiff, affidavit of admission/denial of the documents of the defendant be filed by the plaintiff.

11. Reply be filed within three (3) weeks. Rejoinder thereto, if any, to the reply to the application filed by the defendant, shall be filed within three (3) weeks after the receipt of such reply.

12. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

13. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

14. Due to some technical issues, the additional documents filed on behalf of the plaintiff cannot be seen.

14.1. Liberty is given to the plaintiff to refile the same.

15. List on 17th July, 2025.

16. In the meanwhile, the parties shall explore the possibility of settlement.”

2. The appellant’s grievance appears to be that the learned Single Judge ought not to have directed the plaint to be registered as a suit till the aspect of territorial jurisdiction was decided.

3. We queried of learned Counsel for the appellant as to how this appeal is maintainable in terms of Section 13 of the Commercial Courts Act. Section 13 of the Commercial Courts Act envisages



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appeals against an order of a Commercial Court to the Commercial Appellate Division of this Court only in cases of orders passed under Section 37 of the Arbitration and Conciliation Act, 1996 or Order XLIII Rule 1 of the Code of Civil Procedure, 1908¹.

4. Learned Counsel for the appellant candidly acknowledges that the order under challenge does not fall within any of the categories of orders envisaged by Order XLIII Rule 1 of the CPC.

5. The appeal is accordingly dismissed as not maintainable, reserving liberty with the appellant to avail appropriate remedies available in law, if any.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

AUGUST 25, 2025/AR

¹ “CPC” hereinafter