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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 238/2024 & CM No.63021/2024**
ANKIT GOELAppellant

Through: Mr. Shiven Khurana, Adv.

Versus

BALCORP LIMITED & ANR.Respondents

Through: Ms Arpan Wadhawan and Mr. Monu
Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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20.03.2025

1. The appellant has filed the present appeal impugning an order dated 28.08.2024 [**the impugned order**] passed by the learned Commercial Court in IA No.37752/2024 in CS(COMM.) 1318/2018 captioned *Balcorp Limited v. M/s. Ganga Ram Brij Mohan*.

2. The appellant had filed the said application seeking impleadment in the abovementioned suit [CS(COMM) No.1318/2018], as he claims to be the sole proprietor of a concern named M/s Ganga Ram Brij Mohan. It is the appellant's case that the respondents' action against M/s Ganga Ram Brij Mohan, through Brij Mohan, is not maintainable, as Brij Mohan is not the sole proprietor of M/s Ganga Ram Brij Mohan. The respondents contested the said application [IA No.37752/2024] and, in unequivocal terms stated that the respondents (plaintiffs in the suit) desired to sue only Brij Mohan. They further stated that if it is found that Shri Brij Mohan is not the sole proprietor of M/s Ganga Ram Brij Mohan, the suit may fail. However, being the plaintiffs in the suit, they were entitled to choose the party against whom to proceed. The said contention was accepted, and the application filed by the appellant to be impleaded in the suit was rejected by the impugned order.



3. The impugned order is not one of the orders as enumerated in Order XLIII of the Code of Civil Procedure, 1908 and therefore, the present appeal is not maintainable under Section 13(1A) of the Commercial Courts Act, 2015.

4. The said issue is no longer *res integra*. As held by the Hon'ble Supreme Court in ***Kandla Export Corporation v. OCI Corporation: (2018) 14 SCC 715*** and by this court in ***H.P Cotton Textile Mills Ltd. V Oriental Insurance Co. Ltd: 2023 SCCOnLine Del 511; Arrena Overseas Private Limited v. Batra Art Press: Neutral Citation:2023:DHC:7446-DB***; and ***Odeon Builders (P) Ltd vs NBCC(India) Ltd: 2021 SCCOnLine Del 4390***, appeals under Section 13(1A) of the Commercial Courts Act, 2015 are now limited to the orders that are specifically enumerated in Order XLIII of the Code of Civil Procedure, 1908.

5. The present appeal as well as the pending application is, accordingly, dismissed.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 20, 2025

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