



2025:DHC:5623-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ FAO (COMM) 235/2024, CM APPL. 71655/2024, CM APPL.
71656/2024, CM APPL. 71657/2024 & CM APPL. 71658/2024
NEERAJ KUMARAppellant

Through: Mr. Sharvan Dev, Adv.

versus

SHRIRAM FINANCE LIMITEDRespondent
Through:

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER (ORAL)

14.07.2025

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C. HARI SHANKAR, J.

1. The order dated 3 July 2024, passed by the learned District Judge (Commercial Court)-03, West, Tis Hazari in OMP (I) COMM 15/2024 simultaneously adjudicates an application under Section 9 filed by the respondent, as the petitioner before the learned Commercial Court and an application under Section 340 of Code of Criminal Procedure, 1973¹, filed by the appellant, as the respondent before the learned Commercial Court.

2. The Section 9 petition of the respondent was permitted to be withdrawn. Simultaneously, the appellant's application under Section 340 of the Cr.P.C. was dismissed.

¹ "Cr.P.C." hereinafter



2025:DHC:5623-DB



3. Needless to say, the present appeal is essentially directed against the dismissal of the appellant's application under Section 340 of the Cr.P.C.

4. No appeal lies to this Court, under Section 13 of the Commercial Courts Act, against the dismissal of an application under Section 340 of the Cr.P.C. Appeals to this Court under Section 13 of the Commercial Courts Act lie only against orders envisaged in Order XLIII of the CPC or Section 37 of the Arbitration and Conciliation Act, 1996.

5. In that view of the matter, Mr. Sharvan Dev, learned Counsel for appellant seeks leave to withdraw this appeal with liberty to institute the appeal in an appropriate form before the appropriate forum.

6. Leave and liberty is granted as aforesaid. The appeal is disposed of as withdrawn.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

JULY 14, 2025

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