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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ FAO (COMM) 37/2026 & CM APPL. 7611/2026, CM APPL. 7612/2026

RSPL LTDAppellant
Through: Mr. Satish Kumar and Mr Anil Kumar Sahu, Advs.

versus

ROZANA RURAL COMMERCE PVT LTDRespondent
Through: Mr. Preet Singh Oberoi, Ms. Anantika Singh and Kr. Sahajpal Singh, Advs.

CORAM:

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

JUDGMENT (ORAL)

% 04.02.2026

C. HARI SHANKAR, J.

1. Mr. Preet Singh Oberoi, learned Counsel for the respondent, points out that, by an order passed on 3 February 2026, CS(Comm) 756/2025 has been returned by the learned District Judge (Commercial Court-06) South-East, Saket under Order VII Rule 10A of the CPC on the ground that it has no territorial jurisdiction to deal with the matter.

2. The order impugned in the present appeal challenges the decision to reject the appellant's application under Order XXXIX Rules 1 and 2 of the CPC on the ground of want of territorial jurisdiction.



2026:DHC:939-DB



3. Now as the suit has been returned, it would be necessary for the appellant to assail the said order, if so advised, failing which the present appeal would not survive.
4. Learned Counsel for the appellant, therefore, seeks leave to withdraw the present appeal with liberty to file a consolidated appeal additionally challenging the order dated 3 February 2026 whereby CS(Comm) 756/2025 has been returned under Order VII Rule 10 of the CPC.
5. Leave and liberty is granted as aforesaid.
6. The appeal stands disposed of in the above terms.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

FEBRUARY 4, 2026

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