



2026:DHC:1660-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO (COMM) 58/2026 & CM APPL. 12217/2026**

M/S AJAY ENTERPRISEAppellant

Through: **Mr. Arnav Goyal, Adv.**

versus

ASTRAL LIMITEDRespondent

Through: **Mr. Sachin Gupta, Mr. Prashansa Singh, Ms. Mahima Chanchalani, Mr. Rohit Pradhan, Mr. Ajay Kumar, Archana and Mr. Rajat Jain, Advs.**

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

23.02.2026

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C. HARI SHANKAR, J.

1. Mr. Sachin Gupta, learned Counsel for the respondent, raises a preliminary objection to the maintainability of this appeal.

2. This appeal is directed against an order dated 24 December 2025 passed by a learned Single Judge of this Court dismissing applications filed by the appellant under Order VII Rule 10 and Order VII Rule 11 of the CPC.

3. Mr. Gupta points out that Section 13 of the Commercial Courts Act, 2015 allows appeals, arising out of orders passed under the CPC, only to orders passed under Order XLIII Rule 1 or against final



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judgments and decrees.

4. Order XLIII Rule 1 specifically permits an appeal only with respect to an order passed under Order VII Rule 10 of the CPC *returning a plaint*. There is further no appeal provided against any order passed under Order VII Rule 11 of the CPC.

5. In that view of the matter, an order passed by the learned Single Judge rejecting an application under Order VII Rule 10 and Order VII Rule 11 would not be appealable under Section 13 of the Commercial Courts Act.

6. Mr. Arnav Goyal, learned Counsel for the appellant, therefore seeks leave to withdraw this appeal in order to pursue appropriate remedies as may be available in law.

7. Leave and liberty is granted as aforesaid.

8. The appeal is disposed of as withdrawn.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

FEBRUARY 23, 2026

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