



2026:DHC:3546-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(COMM) 273/2026, CM APPL. 27493/2026, CM APPL. 27494/2026, CM APPL. 27495/2026

XERICA WIDENING HORIZONS LLPAppellant
Through: Mr. Abhishek Garg, Mr. Ranesh Singh Mankotia and Ms. Sakshi, Adv.

versus

VIRENDER KUMAR AGGARWAL
(HUF) & ANR.Respondents
Through:

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

ORDER (ORAL)
24.04.2026

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C.HARI SHANKAR, J.

1. On his attention being invited to the fact that the present appeal, which assails an order granting conditional leave to defend, is not maintainable, as an order granting conditional leave to defend, which is relatable to Order XXXVII Rule 3 of the Code of Civil Procedure, 1908¹, is not one of the categories of orders envisaged in Order XLIII Rule 1 of the CPC and Section 13 of the Commercial Courts Act, 2015 restricts appeals to cases which fall under Order XLIII Rule 1 or Section 37 of the Arbitration and Conciliation Act, 1996, Mr.

¹ "CPC" hereinafter



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Abhishek Garg, learned Counsel for the appellant, seeks leave to withdraw this appeal with liberty to take remedies as are available in law.

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 The appeal is disposed of as withdrawn.

C.HARI SHANKAR, J

OM PRAKASH SHUKLA, J

APRIL 24, 2026/AR