

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
COMMERCIAL FIRST APPEAL NO. 19 OF 2025**

Bank of Maharashtra .. Appellant  
Vs.  
Cogencis Information Service Limited .. Respondent

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Mr. Amrut Joshi a/w Yazad Udweddia and Mr. Sachin Patil i/by Nitesh Agarwal, Advocates for appellant.

Mr. Pranav Nair a/w Ms. F. D'Souza i/by Asahi Legal, Advocates for respondent.

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**CORAM : SHREE CHANDRASHEKHAR, ACJ &  
AARTI SATHE, JJ**

**DATE : 4<sup>th</sup> SEPTEMBER 2025.**

**P.C. :**

Mr. Pranav Nair, the learned counsel for the respondent has raised a preliminary objection stating that going by the grounds raised in Commercial First Appeal No.19 of 2025, this appeal is liable to be dismissed inasmuch as an appeal in the nature of first appeal under section 96 of the Code of Civil Procedure, 1908 cannot be admitted in part.

2. The learned counsel for the respondent refers to the decision of this Court in "*Shobha wd/o Suresh Kurekar v. Mohan s/o Suresh Kurekar*" 2017 SCC OnLine Bom 1741 to submit that in the present Commercial First Appeal it is not open to the appellant to raise the grounds akin to the grounds available to the aggrieved party under Order IX Rule 13 of the Code of Civil Procedure, 1908 to demonstrate before the Court that he had sufficient reasons not to appear in the Court when the suit was posted for hearing. The learned counsel for the respondent also refers to the decision of this Court in "*Executive Engineer, Bembla Project Division, Yavatmal & Anr. v. Manik Panjabrao*"

*Kalmegh & Ors.*” 2021 SCC OnLine Bom 2900 to lay support to his objection against admission of this Commercial First Appeal. The learned counsel submits that on the basis of the grounds urged in the memorandum of appeal the Commercial First Appeal No. 19 of 2025 is liable to be dismissed as this Commercial First Appeal cannot be admitted in part. The learned counsel for the respondent has also referred to the decisions rendered by the High Court of Orissa in “*Amir Mahammad & Anr. v. Saliman Bibi & Ors.*” 2007 SCC OnLine Ori 45 and Punjab and Haryana High Court in “*Smt. Maya Devi & Ors. v. Mehria Gram Dall Mill, Balsamand Road, Hissar & Ors.*” 1987 SCC OnLine P&H 388.

3. Having heard the objections raised on behalf of the respondent, we are of the opinion that the objections so raised by the learned counsel for the respondent are untenable.

4. The preamble to the Commercial Courts Act, 2015 declares that this Act has been enacted to provide for constitution of the Commercial Courts, Commercial Division and Commercial Appellate Division in the High Courts for adjudicating commercial disputes of specified value and for matters connected therewith or incidental thereto. The expressions “matters connected therewith” and “incidental thereto” provide sufficient indications to the legislative intention that the Commercial Appellate Division and the Commercial Court as defined under Clause (aa) and (b) to section 2 would have wide powers in the matters of commercial disputes arising between the parties. Under section 6 of the Commercial Courts Act, 2015, it is provided that such Courts shall have jurisdiction to try all the suits and applications relating to a commercial dispute of a Specified Value arising out of the entire territory of the State over which it has been vested territorial jurisdiction. Section 7 provides the jurisdiction of Commercial Divisions

of High Courts to the effect that all the suits and applications relating to commercial disputes of a Specified Value filed in a High Court having ordinary original civil jurisdiction shall be heard and disposed of by the Commercial Division of that High Court.

5. This is quite a settled proposition in law that a statutory appeal is open both on questions of fact and in law. The right of a litigant to plead and present his case in a Court of law cannot be restricted by any judicial order. This is for the Court to decide whether or not to accept the submissions made on behalf of the aggrieved party but before a judgment is rendered no party to a litigation has right to raise any objection to the pleadings except to the extent as provided under Order VI Rule 16 of the Code of Civil Procedure, 1908. Moreover, a statutory appeal is not normally restricted by the grounds urged in the memorandum of appeal.

6. In view thereof, the objection raised on behalf of the respondent to admission of this Commercial First Appeal is overruled.

7. Commercial First Appeal No. 19 of 2025 is admitted for hearing.

8. The respondent, if so desires, may file its affidavit or written submissions before the next date of hearing. The appellant shall also be at liberty to file additional documents, if so desires, before the next date of hearing.

9. Post the matter on 18<sup>th</sup> September 2025.

**[AARTI SATHE, J.]**

**[ACTING CHIEF JUSTICE]**