

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 1575 of 2023
With
CIVIL APPLICATION (FOR STAY) NO. 2 of 2023
In
R/FIRST APPEAL NO. 1575 of 2023

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MANAGING DIRECTOR OR DIRECTOR OF GUPTA GLOBAL EXIM
PVT LTD
Versus
AKHILESH MANGLIK AND CO
=====

Appearance:

MOHIT A GUPTA(8967) for the Appellant(s) No. 1,2,3
MR RUTUL P DESAI(6498) for the Defendant(s) No. 1
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CORAM:**HONOURABLE MR. JUSTICE UMESH A. TRIVEDI**
and
HONOURABLE MR. JUSTICE SAMIR J. DAVE

Date : 07/12/2023

ORAL ORDER
(PER : HONOURABLE MR. JUSTICE UMESH A. TRIVEDI)

1. Learned advocates for the appearing parties submitted that in view of the notification dated 03.01.2023 issued by the Under Secretary in its Legal Department, earlier notification dated 26.10.2020 came to be amended and the brackets and words mentioned in the Schedule, Column No.3 of the said notification “(where the amount or value of the subject matter of the original suit or proceedings is less than Fifty Lakh Rupees)” was ordered to be deleted.

2. By the second notification dated 03.01.2023 issued

by the Registrar General of this Court, the Hon'ble Chief Justice is pleased to constitute Commercial Appellate Division in the High Court of Gujarat, Ahmedabad to deal with the appeal against the judgment or order passed by the Commercial Courts constituted under Sub-Section (1) of Section 3 of the Commercial Courts Act, 2015 (4 of 2016), namely (i) Judge of City Civil Court, Ahmedabad; (ii) Additional District Judge; and Commercial Division of High Court.

3. Both these notifications were considered by the coordinate Bench of this Court in Appeal from Oder No.124 of 2022 where that Appeal was filed challenging the order passed by the Principal Senior Civil Judge and Judge Commercial Court at Bhavnagar below interim injunction application Exh.5 in Commercial Civil Suit No.10 of 2021 and transferred the said Appeal to the concerned Commercial Court.

4. In the present case, the appellants have challenged the order passed by the Principal Senior Civil Judge, (Commercial Court), Gandhidham-Kachchh dated 13.05.2022 in Commercial Civil Suit No.17 of 2019, though against a final decree but Appeal would still lie before the Commercial Appellate Court as referred to in the aforesaid two notifications.

5. In view thereof, as submitted by the learned advocates for the appearing parties, it is required to be transferred to the Commercial Appellate Court having jurisdiction to decide the present Appeal under Section 3 of the Commercial Courts Act, 2015.

6. Accordingly, Registry is hereby directed to transfer the present Appeal to the concerned Commercial Appellate Court within a period of 10 days from today. Upon receipt of the Appeal from this Court, the concerned Commercial Appellate Court shall decide the Appeal as early as possible in accordance with law.

(UMESH A. TRIVEDI, J.)

(SAMIR J. DAVE, J.)

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