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

+ **CS(OS) 602/2011**

MICROSOFT CORPORATION & ANR Plaintiffs
Through: Ms. Kruttika Vijay and Mr. Ravin
Galgotia, Advocates.
versus

MUKUND GANDHI & ORS Defendants
Through: Ms. Kritika Khurana, Mr. Manish K.
Choudhary and Mr. Harshul Singh,
Advocates.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
09.05.2016

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1. On 27.1.2016, plaintiff was directed to file an affidavit as to whether the plaintiff has or does not have an office at Ahmadabad where the defendants are situated. Counsel for the plaintiff states that plaintiff has an office at Ahmadabad where the defendants are situated and therefore the ratio of the judgment in the case of *Indian Performing Rights Society Limited. V. Sanjay Dalia and Anr.* (2015) 10 SCC 161 will come into play, whereby this Court would not have territorial jurisdiction.
2. Counsel for the plaintiff concedes to this position, but only prays that the interim order granted by this Court be continued for the time till the plaintiff files a suit plaint in the Court of competent jurisdiction at Ahmadabad.

3. Accordingly, while returning the suit plaint under Order 7 Rule 10 CPC, directions are issued to the Registry to return the suit plaint within two weeks from today. The interim injunction order passed in this case on 11.3.2011 will continue for a period of four weeks from the date of return of the plaint to the plaintiff.
4. Continuation of the injunction order is not a reflection of merits of the respective parties and the competent Court before which the suit will be filed will examine the issue of grant of interim order in accordance with law.
5. Let a plaint now be presented before the Principal District and Sessions Judge, Ahmadabad, Gujarat, and parties will appear before the District and Sessions Judge on 1st July, 2016.
6. The suit is accordingly disposed of.
7. Since the suit is disposed of, all pending applications will also stand disposed of, subject to the clarification given herein above with respect to the interim order passed in this matter.

VALMIKI J. MEHTA, J

MAY 09, 2016

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