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

+ **FAO(OS) 196/2016 & CM APPL.24249/2016**

J K ELECTRICAL INDUSTRIES

..... Appellant

Through: Ms Prathiba Singh, Senior Advocate with
Mr Rahul Vidhani and Mr Ashish Singh
along with appellant in person

versus

SANCHETI APPLIANCES (P) LTD

..... Respondent

Through: Mr S.K. Bansal, Advocate

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **09.08.2016**

This appeal is directed against the order dated 01.06.2016. Essentially, the grievance of the appellant is that bailable warrants have been issued for the production of Mr Sumit Jain, who is the proprietor of the defendant/appellant. It appears that this direction was occasioned by the non-appearance of Mr Sumit Jain despite the directions given by the learned single Judge. The said Mr Sumit Jain has been present before this Court on every occasion. He has also apologized for his absence before the learned Single Judge. It has also been stated by the learned counsel for the appellant that the appellant is willing to suffer the decree of injunction as also of delivery of any dies which contain the word 'Winner' or 'Pretty'. Further, by way of damages for full and final settlement, the learned counsel for the appellant has also offered a sum of Rs.11 lacs to settle the entire dispute with the respondent. However, Mr Bansal appearing for the respondent is not agreeable to this modality.

In view of this, we do not see any reason to continue this appeal and the parties are left to have their issues sorted out through trial before the learned single Judge. Our only interference is with regard to the issuance of bailable warrants

which we feel is no longer necessary. Any findings that the learned single Judge may have arrived at in the impugned order would obviously not come in the way of the appellant or respondent in the course of the trial before the learned single Judge. The apologies furnished unconditionally before us by Mr Sumit Jain as also through his counsel are accepted. The appeal stands disposed of accordingly.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

AUGUST 09, 2016

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