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

+ **FAO(OS) 225/2015 & CM Nos.7608/2015 (stay) & 10883/2015 (for vacation of stay)**

DOCSUGGEST HEALTHCARE SERVICES PRIVATE LIMITED & ANR

..... Appellants

Through Mr Rajiv Nayar, Sr Advocate with Mr Mohit Chadha, Mr Ishwer Upneja, Ms Pankhuri Bhardwaj, Ms Trisha Raychaudhuri and Mr Saurabh Seth, Advocates.

versus

FDC LIMITED

..... Respondent

Through Ms Shwetasree Majumdar with Mr Prithvi Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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01.03.2016

We have heard the learned counsel for the parties.

We are disposing of this appeal by directing that the appellants file an application under Order XXXIX Rule 4 for vacating the injunction granted by the impugned order. We have stayed the operation of the impugned order but that would apply till the disposal of the appeal. In order that the status quo that has prevailed for sometime before this Court not be disturbed, we are directing that this order be continued till the first hearing before the learned Single Judge.

The appellants, as mentioned above, shall file the Order XXXIX Rule 4 application on or before 04.03.2016. The learned counsel for the plaintiff/respondent may file a response to the said application on or before 10.03.2016. The matter shall be listed before the learned Single Judge on 21.03.2016. On the first date of hearing of the said application, it would be open to the learned Single Judge to pass an appropriate order either continuing the interim injunction or vacating it. This order may be passed for the purposes of

further consideration of the application under Order XXXIX Rules 1 & 2 alongwith the application under Order XXXIX Rule 4 or finally deciding the applications on that very date.

The learned Single Judge shall not be influenced by any observations made by us or the interim order passed by us in these proceedings.

The appeal stands disposed of.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

MARCH 01, 2016

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