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

+ **FAO(OS) (COMM) 84/2016**

M/S GAYATRI PROJECTS LIMITED

..... Appellant

Represented by: Mr.Arun Kathpalia, Senior
Advocate instructed by
Mr.Angad Mehta, Advocate

versus

M/S TECPRO SYSTEMS LIMITED & ANR

..... Respondents

Represented by: None

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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27.09.2016

CM Nos.35808-809/2016

Allowed subject to all just exceptions.

FAO(OS) (COMM) 84/2016

1. Impugned order dated August 30, 2016 is not a judgment. The learned Single Judge has simply put the plaintiff to notice as to why the interim order dated August 11, 2016 be not vacated.
2. The said order has yet to be vacated. To put it differently, the prima facie view taken by the learned Single Judge in the impugned order puts appellant to notice of a reason, akin to a reason in a show cause notice, as to why consequences should not follow.
3. Needless to state the appellant would have an opportunity to convince

the learned Single Judge that the interim order dated August 11, 2016 need not be vacated. Should the learned Single Judge hold against the appellant, the said order would effect a valuable right of the appellant and would qualify to be a judgment as declared by the Supreme Court in the decision reported as (1981) 4 SCC 8 Shah Babulal Khimji vs. Jayaben D. Kania & Anr.

4. We dismiss the appeal as not maintainable. Should the learned Single Judge vacate the interim injunction granted on August 11, 2016, the appellant would have remedy as per law.

5. No costs.

CMNo.35807/2016

Dismissed.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

SEPTEMBER 27, 2016

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