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

+ **FAO(OS) (COMM) 137/2016**

KAUSHALYA DEVI SABU & ORS

..... Appellants

Represented by: Mr.Shailen Bhatia, Mr.Amit
Jain, Ms.Ekta Nayar Saini, &
Ms.Priyanka Anand, Advocates.

versus

RAJKUMAR SABU TRADING AS

SHIV TRADING CO

..... Respondent

Represented by: Ms.Pratibha M Singh, Senior
Advocate instructed by
Mr.Divyakant Lahoti, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

21.12.2016

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1. Learned Single Judge has deferred hearing of the injunction application filed by the plaintiff and the application seeking vacation thereof filed by the appellant to February 02, 2017.

2. Lest parties are prejudiced on account of any observations made by the Division Bench in appeal, learned counsel for appellant seeks leave to withdraw the appeal requesting that it may be observed that on the next date the learned Single Judge would accord a consideration to appellant's application under Order XXXIX Rule 4 of the Code of Civil Procedure and not defer hearing on account of some application filed by the plaintiffs.

3. The hearing before learned Single Judge on December 15, 2016 got deferred in as much as it appears that the learned Single Judge was of the view that before he concludes hearing the appellants must discover on oath document's discovery and production whereof has been prayed by the plaintiff. The next date of hearing is February 02, 2017.

4. Learned counsel for appellants states that the affidavit in response to the application seeking discovery and production would be positively filed within four weeks from December 15, 2016. Learned counsel for respondents assures that the respondents would not seek any accommodation or adjournment.

5. It is hoped and expected that learned Single Judge would accord due consideration to the issue of interim injunction on February 02, 2017.

6. The appeal is disposed of not pressed without there being any order as to cost.

CM No.45373/2016

Dismissed as infructuous.

PRADEEP NANDRAJOG, J

YOGESH KHANNA, J

DECEMBER 21, 2016

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