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

+ **FAO(OS) (COMM) 6/2017**

MICROMAX INFORMATICS LTD

..... Appellant

Through: Mr Arvind K. Nigam, Sr. Adv. with Mr
Ashok K. Aggarwal, Mr Jayant K. Mehta, Mr Gaurav
Vij, Mr Shwetank Tripathi, Mr Shubham Agarwal and
Ms Pallavi Verma, Advs.

versus

TELEFONAKTIEBOLAGET LM ERICSSON

..... Respondents

Through: Mr C.S. Vaidyanathan, Mr Rajiv Nayar, Mrs
Pratibha M. Singh, Sr. Advs. with Mr C.M. Lall, Mr S.
Chaudhary, Mr Ashutosh Kumar, Mr P. Bahl, Advs.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **09.01.2017**

CAV 13/2017

The learned counsel for the respondent/caveator is present.

The caveat stands discharged.

CM 823-824/2017

Allowed subject to all just exceptions.

FAO (OS) (COMM.) 6/2017 & CM 822/2017

The major grievance of the appellant is that the IA 11556/2016 has not been taken up for hearing and despite an early hearing application having been filed and allowed, the matter was not heard on 02.01.2017. In the meanwhile the Registrar General of this court is going ahead with further steps towards acceptance of the bank guarantee furnished by the plaintiff in the suit and that there is every likelihood that a consequential order requiring the appellant to make an equivalent payment to the plaintiff may be passed by the Registrar General tomorrow itself.

We are of the view that this appeal can be disposed of by directing that the IA11556/2016 and OA 239/2016 be listed before the learned Single Judge for disposal on 11.01.2017 in the first instance. In the meanwhile the Registrar General shall proceed with the steps towards accepting the bank guarantee but the same shall be without prejudice to the rights of the parties in the IA 11556/2016 and OA 239/2016. There was objection on the part of the respondent that the present appeal itself was not maintainable but we are in effect not entertaining the appeal as such because we feel that the learned Single Judge can deal with the matter by hearing the above application and the OA 239/2016. It is for this reason we are not going into the issue whether the appeal is maintainable or not. Neither do we need to examine the merits of the matter.

The appeal stands disposed of.

Dasti under the signature of the Court Master.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

JANUARY 09, 2017

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