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

+ **FAO(OS) 294/2016**

RAJIV BHATNAGAR Appellant
Through **Mr.Amit Agarwal, Ms.Tejaswita &
Ms.Shagun Parashar, Advs.**

versus

ISH BHATNAGAR & ORS Respondents
Through **None.**

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **21.07.2017**

Learned counsel for the respondent Nos.1 to 4 has been served but has not entered appearance. As per service report, respondent Nos.1,2 and 4 have been served personally and have not entered appearance. Service report of respondent No.3 is awaited. They are proceeded ex parte.

Learned counsel for the appellant relies upon the Full Bench decision of this Court in ***Subhashini Malik v. S.K. Gandhi & Ors.***, 2016 SCC Online Delhi 5058 and submits that the impugned order is not sustainable as the amendment application could have been decided by the Single Judge and not transferred to District Court for adjudication.

However, learned counsel for the appellant submits that this would possibly cause delay and therefore prays that in case, upon hearing arguments, the District Judge allows the amendment and the plaint is returned to be presented to High Court, he would pray that the injunction

order be continued till the date of final hearing in the High Court.

We take the statement made by the appellant on record and dispose of the present appeal. In case there is injunction order which is already passed and plaint is to be re-presented to the High Court, it will be open to the Trial Court to extend the injunction order till the date of first hearing before the High Court.

In view of the statement and with the above observation, appeal is disposed of with no order as to cost.

SANJIV KHANNA, J

NAVIN CHAWLA, J

JULY 21, 2017/vp