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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO 295/2017 and C.M. Appl. No. 24343/2017 (for stay)

MEEM MEMORY LIMITED

..... Appellant

Through: Mr. Ashish Dholakia, Mr. Ashish Bhan, Ms. Richa Kaushal and Mr. Gautam Bajaj, Advocates.

versus

MEEM STUDIO PRIVATE LIMITED & ORS

..... Respondents

Through: Mr. Punit K. Bhalla and Ms. Chetan Bhalla, Advocates.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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25.08.2017

1. This appeal is disposed of with the consent order that the amendment application which was filed by the appellant/plaintiff and referred to in the impugned order dated 4.5.2017 is allowed and since the respondent/defendant has already filed written statement, replication will be filed by the appellant/plaintiff within two weeks from today.

2. An entitlement to injunction on the basis of a pleading which was not on record i.e. amended plaint, would not have been decided

finally in terms of the impugned order dated 4.5.2017. An order sought for on the basis of a particular pleading is only after the procedure of pleadings of parties is completed, and where after the interim application on the basis of amended pleading would have to be decided.

3. Accordingly, while setting aside the impugned order dated 4.5.2017 it is ordered that the injunction application filed pursuant to the amended plaint will now be heard and disposed of by the trial court with reasonable expedition and endeavour be made to dispose of the same preferably within a period of four months of receiving of the copy of the present order. The impugned order dated 4.5.2017 is set aside except to the extent as stated in the present order.

4. Parties will appear before the trial court on 27.10.2017, i.e. the date already fixed.

5. Nothing contained in the impugned order will be a reflection on merits with respect to the fresh injunction application which will now be decided and this Court has made no observations on merits of the injunction application to be decided for or against any of the parties.

6. The present appeal is disposed of accordingly.

VALMIKI J. MEHTA, J

AUGUST 25, 2017

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