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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 127/2016 and CM APPL. 43530-31/2016**
ITC LIMITED Appellant
Through: Ms. Nupur Lamba, Advocate

versus

M/S ARORA OFFSET PRINTERS & ORS Respondents
Through: Ms. Dimple Vivek, Advocate for R-1, 5,
6 and 8.
Mr. Kuldeep, Advocate for Mr. Akhilesh Dixit,
Advocate for R-2 to 4 and 7.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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27.04.2017

1. The appellant/plaintiff, aggrieved by an order dated 18.11.2016 passed by the learned Single Judge in CS(COMM) 1512/2016, whereunder notice was issued on the stay application filed by it under Order XXXIX Rule 1 and 2 CPC (I.A. 14230/2016), has filed the present appeal with a grievance that no ex-parte ad interim injunction was granted in its favour though it deserved one.
2. Vide order dated 23.11.2016, the predecessor Bench had granted an ex-parte ad interim injunction in favour of the appellant. Simultaneously, Local Commissioners were appointed to execute the commissions in terms of the orders passed in CM APPL.43531/2016. Counsel for the appellant states that the Local Commissioners have executed the commissions and filed their reports.
3. Appearance is entered by learned counsels for the respondents No.1, 5, 6 and 8 and respondents No.2 to 4 and 7, who state that they have filed

their respective written statements in the suit. On enquiring as to whether replies to I.A. 14230/2016 have been filed by them so far, they state that they have yet to file their replies.

4. Having regard to the fact that an interim order has been granted in favour of the appellant/plaintiff and appearance has been entered by learned counsels for the respondents and further, the interim application for stay filed by the appellant in the suit has yet to be heard and decided on merits, it is deemed appropriate to dispose of the present appeal with the direction that the interim order dated 23.11.2016 passed in the present appeal and CM APPL. 43530/2016, shall continue to remain in operation till IA 14230/2016 pending in the suit file is heard and decided by the learned Single Judge.

5. We are informed that the suit is now listed before the learned Single Judge on 20.07.2017. To expedite a hearing on the stay application, the respondents are directed to file their replies to I.A. 14230/2016 within four weeks with copies to the counsel for the appellant/plaintiff, who shall file the rejoinders one week before the date of hearing fixed before the learned Single Judge. Further, the Registry is directed to detach the reports of the Local Commissioners from the appeal file for being placed in the suit file, well before 20.7.2017.

6. The appeal is disposed of alongwith the pending applications.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

APRIL 27, 2017/rkb/ap

