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

+ **FAO 388/2017**

HAMILTON HOUSEWARES PVT LTD

..... Appellant

Through: Mr. Sudhir Chandra, Sr. Adv. with
Mr. Sumit Rajpal, Adv.

versus

CAR FREUDENBERG KG AND ORS

..... Respondents

Through: Mr. Prag Tripathi, Sr. Adv. with Mr.
Kunal Bahri, Mr. Bikash Ghorai and
Ms. Isha Gandhi, Adv.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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11.10.2017

Caveat No. 876/2017

Counsel appears for the caveator. Caveat accordingly stands
discharged.

FAO No. 388/2017 & CM Nos.36484-87/2017

1. After arguments, learned senior counsels for both the parties
have been very fair and without expressing any opinion on merits of the
issues involved, either for the appellant or against the appellant or for the

respondents or against the respondents, it is agreed that for the present the impugned order dated 23.9.2017 is suspended and the issue of interim injunction will be decided at the time of disposal of the injunction application under Order 39 Rules 1 and 2 CPC filed by the respondents/plaintiffs in the trial court.

2. It is agreed that the appellant will positively file its written statement within a period of four weeks from today alongwith the necessary documents, failing which the right to file the written statement shall stand closed.

3. It is also agreed that the matter be listed before the trial court after four weeks and the trial court will thereafter give opportunity to the respondents/plaintiffs to file replication alongwith their documents and fix an early date for disposal of the injunction application. Trial court is requested to expedite the disposal of the injunction application and not give unnecessary adjournments to either of the parties, and which if are sought, can be visited by the trial court with very heavy costs.

4. Parties to appear before the court of Sh. Lalit Kumar, ADJ-01 (Central), Tis Hazari Courts, Delhi on 15.11.2017, the date already fixed and

the trial court will now proceed in terms of the observations made in the present order so far as the issue of grant or otherwise of the injunction in terms of the application of the respondents/plaintiffs under Order 39 Rules 1 and 2 CPC.

Copy of this order be given *dasti* to counsels for the parties.

VALMIKI J. MEHTA, J

OCTOBER 11, 2017

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