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

+ **FAO 393/2017 & CM APPL. 36951-52/2017 , caveat 888/2017**

SABRE TRAVEL NETWORK (INDIA) PVT LTD..... Appellant

Through: Mr. Rajeeve Mehra, Sr. Adv. with
Mr. Dheeraj Nair, Mr. Manish Jha &
Mr. Kunal Chaturvedi, Advs.

versus

AMADEUS INDIA PVT LTD & ANR Respondents

Through: Mr. Sandeep Sethi, Sr. Adv. with Mr.
R.K. Mehta, Mr. Virender Mehta, Mr.
Sanjeev Ralli, Mr. Kunal Mehta, Mr.
Gautam Mehta & Mr. Jai Sahai
Endlaw, Advs. for R-1.
Mr. M.K. Ghosh, Ms. Tina Garg &
Mr. Rohit Dutta, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% 17.10.2017

The order under challenge is dated 06.10.2017 on the file of civil suit No. 1473/2017 instituted by the first respondent herein (plaintiff) impleading the second respondent herein as the first defendant and the appellant as the second defendant. By the impugned order, the Additional District Judge has permitted the plaintiff to continue with its services till the investigation undertaken by the Chief Vigilance Officer of the first respondent is complete, this without making any comment on the merits or disposal of the application under Order 39 Rules 1 and 2 CPC, in which

context, by an earlier order dated 27th September, 2017, it had initially observed that an *ad interim* injunction was not called for on *prima facie* view of the matter taking note particularly of the facts that the contract had already been executed on 1st August, 2017 in favour of the appellant herein.

After some hearing, the learned counsel on all sides fairly agree that the proper course would be to call upon the trial Court to pass a reasoned order taking into account the background facts and the documents submitted by the parties as also the contentions urged by them. In terms of earlier communication the first respondent, the existing service provider had been asked to continue to provide the services till 15th November, 2017 so as to facilitate time and opportunity to the appellant, treated as the highest bidder, to be in readiness to eventually take over the services.

The learned trial Court is, thus, called upon to decide the application under Order 39 Rules 1 and 2 CPC pending on its file after hearing the parties on all sides expeditiously and well in time before 15th November, 2017.

The parties shall appear before the trial Court on 25th October, 2017. The trial Court is expected to pass an order uninfluenced by the view taken by it in the impugned order dated 06.10.2017.

The appeal is disposed of in above terms.

Copy of the order be given *dasti* under the signatures of Court Master to all sides.

R.K.GAUBA, J

OCTOBER 17, 2017/nk

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