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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 413/2017**

S.MOBILE DEVICES LIMITED Appellant

Through: Mr. Neeraj Kishan Kaul, Sr. Adv. with
Mr. Saikrishna Rajagopal, Mr. Munish Mehra,
Mr. Sumant Narang & Ms. Riddima Sharma,
Adv.

versus

KMC ELECTRONICS PVT LTD Respondent

Through: Mr. Akhil Sibal, Sr. Adv. with
Mr. S.K.Bansal, Mr. Pankaj Kumar,
Mr. Ajay Amitabh Suman & Mr. Kapil Giri, Adv.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **27.10.2017**

1. After hearing learned counsel for the parties, this appeal is disposed of with the consent order that the impugned order dated 12.10.2017 is suspended and the injunction application filed by the respondent/plaintiff will now be decided by the Trial Court after completion of pleadings in the suit. Trial Court will decide the injunction application of the respondent/plaintiff uninfluenced by any observation made in the impugned order dated 12.10.2017 as also by the fact that this impugned order is suspended till the pleadings are complete and hearing is given on the injunction application filed by

the respondent/plaintiff.

2. Learned Senior Counsel for the appellant/defendant, on instructions, states that written statements and reply to the injunction application along with all relevant documents in support of their case will positively be filed within four weeks from today. If the same is not done, thereafter it shall be taken on record, subject to payment of costs of Rs.1,00,000/- to the respondent/plaintiff. Respondent/plaintiff will file replication and rejoinder along with all relevant documents in support of their case, if not already filed, within a period of two weeks of filing of the written statement by the appellant/defendant. It is noted that the next date as per the impugned order is 30.11.2017 and therefore parties will appear before the Trial Court on the date fixed.

3. Since the impugned order is suspended, whatsoever has been the consequences of the impugned order dated 12.10.2017 will not operate and whatever are the goods of the appellant/defendant will be de sealed by the appellant/defendant themselves as the goods are on *superdari* with the appellant/defendant and the lists of goods are already prepared and submitted in the Court along with the reports of

the Local Commissioner.

4. Appeal is accordingly disposed of in terms of the aforesaid observations.

VALMIKI J. MEHTA, J

OCTOBER 27, 2017
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