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

+ **FAO(OS) (COMM) 221/2017**

M/S DABUR INDIA LTD

..... Appellant

Through: Mr. Sudhir K. Makkar, Sr. Adv. with
Ms. Meenakshi Singh, Ms. Saumya
Gupta, Ms. Ridhi Munjal and Mr.
Sudhanshu Suman, Advs.

versus

M/S PATANJALI AYURVED LTD

..... Respondent

Through: Mr. Rajeev Nayyar, Sr. Adv. and
Mr. Sandeep Sethi, Sr. Adv. with
Mr. Simranjeet Singh, Mr. Rohan
Ahuja, Ms. Sonali Dhir and Mr.
Siddharth Mahajan, Advs.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **18.12.2017**

CAV. No. 1088/2017

Mr. Rajeev Nayyar, Mr. Sandeep Sethi, learned Sr. Counsels on instructions enter appearance for the caveator. Accordingly, caveat petition stands disposed of.

CM. No. 46027/2017 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

FAO(OS) (COMM) 221/2017 & CM. Nos. 46026/2017 (for stay)

The challenge in this appeal is to the order dated 5th December, 2017

passed by the learned Single Judge by which partial protection has been granted to the appellant herein in IA No. 14304/2017 (Under Order XXXIX Rule 1 and 2 CPC). After some hearing, Sr. Counsel for the appellant wishes to withdraw the present appeal with leave to raise all grounds urged in the application under Order XXXIX Rule 1 and 2 CPC and grounds urged in this appeal before the learned Single Judge.

Mr. Sudhir K. Makkar, learned Sr. Counsel appearing for the appellant has strenuously urged before this Court that having regard to the fact that the product in question has its maximum sale in the winter months, an earlier date may be fixed in this matter. Parties agree that they would complete the pleadings as directed by the learned Single Judge in his order dated 5th December, 2017 and will follow the schedule strictly. Having regard to the submissions made, without expressing any opinion on the merits of the matter, the IA No. 14304/2017 (Under Order XXXIX Rule 1 and 2 CPC) be listed before the learned Single Judge on 5th February, 2018.

Both parties assure this Court that they would not seek an adjournment in the matter.

The appeal and the connected application CM 46026/2017 are dismissed as withdrawn.

G.S.SISTANI, J

V. KAMESWAR RAO, J

DECEMBER 18, 2017/jg