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

+ **FAO 356/2018 & CM No.30642/2018**

M/S TRADEWELL PORTFOLIOS PVT LTD & ANR.

.... Appellants

Through Mr.Jayant Kumar Mehta, Adv.
with Mr.Sukant Vikram and
Mr.Abhinav Ankit, Advocates.

versus

HARSH VIKAS MANCHANDA & ORS. Respondents

Through Mr.Vaibhav Mahajan, Adv.
with Mr.Ravneet Singh, Adv.
for R-1 & 2.
Mr.Shalabh Singhal, Adv. for
R-3.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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10.12.2018

1. The impugned order dated 13.07.2018 passed by the court of learned Additional District Judge-02, East District, Karkardooma Courts, Delhi ('ADJ') in CS No.758/2017 titled as M/s. Tradewell Portfolios Pvt. Ltd. & Anr. Vs. Shri Harsh Vikas Manchanda & Anr., is the subject matter of challenge in this appeal filed by the appellant/plaintiff.

2. While disposing of the application under Order XXXIX Rule 10 of the Code of Civil Procedure, 1908 ('CPC') filed by the respondent no.3/defendant no.3 and another application under Order I Rule 10 read with Section 151 CPC filed on behalf of the respondents no.1 and 2/defendants no.1 and 2, the learned ADJ directed that the respondent no.3/defendant no.3 be deleted from the array of parties and vacated the interim injunction granted on 06.12.2017 and framed the preliminary issue "*Whether this Court has jurisdiction to try and decide the present suit in view of the proceedings before the Ld. NCLT, Delhi?*".

3. Learned counsel for the appellant submits that the arguments on the injunction application were never heard and the learned ADJ by impugned order has vacated the injunction granted earlier to them.

4. In view of the above and with the consent of the parties, this appeal is disposed of in the following terms: -

i) It is directed that the Ld. ADJ shall hear arguments of both the parties on the preliminary issue framed on 13.07.2018 which shall be decided within 30 days;

ii) in case the learned ADJ finds that the civil court has jurisdiction to try the civil suit, the learned ADJ shall hear the parties on the application filed by the appellant/plaintiff under Order XXXIX Rule 1 and 2 CPC. The learned ADJ shall decide the said application within another 30 days after the preliminary issue is decided. Till

then, the injunction granted by the learned ADJ 06.12.2017 shall continue.

5. The application, being CM No.30642/2018, is disposed of.

VINOD GOEL, J.

DECEMBER 10, 2018

"shailendra"

