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

Date of Decision: 19th November, 2019

+ **FAO(OS) (COMM) 328/2019**

SANJOG STEELS PVT LTD

..... Appellant

Through: Ms. Diva Arora, Ms. Pritika Kohli &
Ms. Vasundhara Majithia, Advs.

versus

ANIL RATHI & ORS

..... Respondents

Through: Mr. Sudhir Chandra Agarwala, Sr.
Adv. with Ms. Srijan Uppal, Mr. Ankit Rastogi,
Ms. Jyotsna Arora, Mr.R.K. Rajwanshi & Mr.Amit
Kumar Sharma, Advs. for R-1

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

Caveat Petitions 1141-1143/2019

Since learned counsel for the caveator/respondent No.1 are present,
caveats stand discharged.

C.M.No.49870/2019 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

FAO(OS) (COMM) 328/2019

1. This appeal has been preferred by the original defendant No.1 in CS(COMM) 603/2019. Learned Single Judge has passed an order dated 31st October, 2019 in CS (COMM) 603/2019 (Annexure A to the memo of this appeal) whereby *ex parte ad interim* relief has been granted in favour of the plaintiff. Notice has been issued to the defendant (present appellant) and the next date of hearing is 20th February, 2020.

2. Contempt application has also been preferred by the original plaintiff in which notice has been issued. The next date of hearing in contempt application is 29th January, 2020.

3. Much has been argued by the counsel for the appellant (original defendant) about the permission letter dated 16th July, 2018 which is at Annexure F. The counsel appearing for the respondent (original plaintiff) has placed reliance upon MoU which starts from page 118.

4. Looking into the documents, we see no reason to entertain this appeal since the Civil Suit as well as the Contempt Application are still pending before the learned Single Judge. We are not going into the details of the case otherwise it will affect both the Civil Suit and the Contempt case. However, looking at the different clauses of the MoU which is at page 123 and 124 of this appeal, it appears that at this stage, there is a *prima facie* case in favour of the respondent (original plaintiff). As the *ex-parte ad interim* relief has already been granted by learned Single Judge *vide* order dated 31st October, 2019 (Annexure A page 39), it is left open for this appellant to approach the learned Single Judge for preponing the date by immediately filing necessary application and written statement in the Civil Suit.

C.M.No.49868/2019 (Additional documents) & 49869/2019 (stay)

5. In view of the final order passed in FAO (OS)(COMM) No.328/2019, these applications stand disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

NOVEMBER 19, 2019
ns

