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

+ **FAO 270/2019**

INDIANA OPHTHALMICS Appellant
Through: Mr. Mohan Vidhani, Advocate.

versus

SAPIENT LABORATORIES (P) LTD Respondent

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **12.07.2019**

C.M. No.30955/2019 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

FAO 270/2019, CM No.30956/2019 (additional document) & CM APPL.30954/2019 (stay)

3. The learned counsel for the appellant states that the appellant would be filing reply to application under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 ('CPC') as also an application under Order 39 Rule 4 read with Section 151 CPC for vacation of the *ex-parte* temporary injunction granted in favour of the respondent company on or before 16.07.2019.
4. After some submissions, he seeks permission to withdraw the appeal and makes request to issue directions to the Trial Court to dispose of both applications at the earliest.
5. In the circumstances, the appeal is dismissed as withdrawn with

the directions that the learned Additional District Judge, South West, Dwarka Courts, New Delhi shall dispose of the application under Order 39 Rule 4 as also the application under Order 39 Rule 1 & 2 after hearing both the parties in accordance with law within 30 days from the date of filing the application under Order 39 Rule 4 CPC.

6. Copy of this order be given *dasti* under the signature of Court Master.

VINOD GOEL, J.

JULY 12, 2019
“SDP”