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

+ **FAO(OS) (COMM) 11/2020**

FLOW TECH AIR PVT LTD Appellant

Through: Mr. Ankur Sood, Mr. Shoumendu
Mukherji, Mr. Ankush Bhardwaj, Advocates

versus

FLOW COOL INDIA PVT LTD Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **21.01.2020**

FAO(OS) (COMM) 11/2020, C.M. No. 1560/2020 (by the appellant for permission to file additional documents), C.M. No. 1561/2020 (by the appellant for stay) and C.M. No. 1562/2020 (Exemption)

1. The present appeal has been preferred by the appellant/defendant against the *ex-parte ad interim* order dated 16.12.2019, passed by learned Single Judge granting an interim injunction in favour of the respondent/plaintiff and restraining HDFC Bank and Bank of India from releasing any amounts lying in the accounts maintained by the appellant/defendant except for the payment of salary and statutory dues, in ordinary course of business.

2. We may note that impugned order was passed on 16.12.2019 and the appellant/defendant has a legal remedy of filing an application for seeking

vacation of the impugned order under Order XXXIX, Rule 4 CPC, if it was so aggrieved. After waiting for over one month, the appellant/defendant has filed the present misconceived appeal, instead of approaching the learned Single Judge.

3. At this stage, learned counsel for the appellant/defendant states that he may be permitted to withdraw the present appeal, while reserving the right of his client to file an appropriate application before the learned Single Judge for vacating the impugned order.

4. Leave, as prayed for, is granted. The appeal is disposed of as not pressed along with the pending applications.

HIMA KOHLI, J

ASHA MENON, J

JANUARY 21, 2020

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