



O.A. Nos.71 & 72 of 2021, A. Nos.3855 & 3856 of 2021 and 2310 of 2023 in C.S. No.44

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and 2310 of 2023 in C.S. No.44 of 2021

WEB C **ABDUL QUDDHOSE,J.**

The learned Additional Master II has placed this matter before this Court since the learned counsel for the defendant had earlier raised objections with regard to the proof affidavit filed by the defendant. Earlier the defendant had filed a proof affidavit of Mr.Navneet Sharma, a Director of the defendant's company, but, subsequently, in view of the language problem faced by him, the defendant had to file a fresh proof affidavit of Mr.Sanjay Kumar Garg, who is also a Director of the defendant company in place of Mr.Navneet Sharma.

2.Learned counsel for the plaintiff has now perused the affidavit of Mr.Sanjay Kumar Garg and is now satisfied that the same can be filed as the proof affidavit on behalf of the defendant.

3.In view of the concurrence given by the learned counsel for the plaintiff, on instructions, the proof affidavit of Mr.Sanjay Kumar Garg, the Director of the defendant company is allowed to be received by the learned Additional Master II.



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4.Since Mr.Sanjay Kumar Garg is a permanent resident of Punjab, learned counsel for the defendant seeks for a specific date for his appearance for the purpose of cross examination by the learned counsel for the plaintiff. He submits that it would be convenient if Mr.Sanjay Kumar Garg is directed to appear for cross examination before the learned Additional Master II on 18.01.2024 and 19.01.2024.

5.On any of the above dates, the learned counsel for the plaintiff will have to positively cross examine Mr.Sanjay Kumar Garg, the director of the defendant. On completion of the cross examination on the specific dates, the learned Additional Master II is directed to post the suit for arguments before this Court thereafter.

6.The applicant is having the benefit of interim injunction in O.A. Nos.71 and 72 of 2021 and the same has been periodically extended by this Court.

7.Learned counsel for the respondent/defendant has not raised any serious objection if the interim injunction is made absolute and if liberty is granted to the respondent/defendant to raise all objections in the main suit.



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8. In view of the same, the interim injunction granted by this Court on 09.03.2021 in O.A. Nos.71 and 72 of 2021 is made absolute and O.A. Nos.71 and 72 of 2021 are allowed as prayed for.

9. Liberty is granted to the respondent/defendant to raise all objections with regard to their contentions in the main suit.

10. In view of allowing of O.A. Nos.71 and 72 of 2021, the applications filed by the defendant seeking to vacate the order of interim injunction in A.Nos.3855 and 3856 of 2021 are closed.

11. Learned counsel for the applicant is not pressing A.No.2310 of 2023. She has made an endorsement to that effect in the Court bundle. Accordingly, A.No.2310 of 2023 is dismissed as not pressed.

01.12.2023

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