



2024:DHC:9815-DB



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

Date of Decision: 18.12.2024

+ **FAO (COMM) 240/2024**

NEWAY INDUSTRIES PVT. LTD.Appellant

Through: Mr. Neeraj Malhotra, Sr. Adv.
with Mr. Vikas Khera, Ms.
Sneha Sethia, Mr. Dinesh
Chaturvedi, Mr. Nimish, Ms.
Sonakshi Ahluwalia and Mr.
Shubham Rathore, Advs.

versus

MOLD-TEK PACKAGING LIMITEDRespondent

Through: Mr. Sandeep Sethi and Mr.
Jayant Mehta, Sr. Advs. with
Mr. Ashutosh Kumar, Mr.
Vinor Chauhan, Ms. Radhika
Pareva and Mr. Vagish Pandey,
Advs.
Mr. Kunal Tandon, Sr. Adv.
with Mr. Shravan Kumar
Bansal, Mr. Rishi Bansal, Mr.
Arpit Pundir and Mr. Rishabh
Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J (ORAL)

CM APPL. 74091/2024

1. The present application has been filed by the appellant seeking condonation of delay of 279 days in filing the present appeal.



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2. For the reasons stated in the application, the delay of 279 days in filing the appeal is condoned.

CM APPL. 74090/2024 (exemption)

3. Allowed, subject to all just exceptions.

4. Application stands disposed of.

FAO (COMM) 240/2024, CM APPL. 74088/2024, CM APPL. 74089/2024

5. This appeal has been filed by the appellant challenging the Order dated 08.01.2024 passed by the learned District Judge (Commercial)-02, Patiala House Courts, New Delhi, (hereinafter referred to as the learned 'Trial Court') granting an *ad interim ex-parte* injunction in favour of the respondent herein.

6. Being aggrieved by the repeated adjournments that have been granted by the learned Trial Court, and of the delay in adjudication of the application filed by the respondent herein under Order XXXIX Rule 1 & 2 of the Code of Civil Procedure, 1908 and the application under Order XXXIX Rule 4 CPC filed by the appellant herein, the appellant has filed the present appeal.

7. The learned senior counsel for the appellant has taken us through the order sheet, which indeed reflects a sorry state of affairs.

8. Be that as it may, by an Order dated 30.11.2024, the learned Trial Court has now fixed the application for hearing on 14.01.2025 at 12:00 noon. We, therefore, do not deem it proper to interfere in the present appeal at this stage.

9. Instead, with the consent of the learned senior counsel appearing for the respondents, we dispose of this appeal with a request



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to the learned Trial Court to commence the hearing of the applications on the next date so fixed and to expeditiously decide the same, preferably within a month thereafter.

10. As the learned senior counsel for the respondent is also appearing before us, we record his assurance that no adjournment shall be taken before the learned Trial Court.

11. The appeal is, accordingly, disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 18, 2024

SU/F/as

Click here to check corrigendum, if any