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

+ **FAO(OS) 2/2025**

CIGMA EVENTS PRIVATE LIMITED

.....Appellant

Through: Mr.Ankit Jain, Senior Advocate with
Ms. Aprajita Jha, Mr. Aditya
Chauhan, Ms. Apurva Tyagi,
Mr.Rishabh Jain, Advocates.

versus

DEEPAK GUPTA & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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14.01.2025

CM APPL. 1987/2025

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

FAO(OS) 2/2025 & CM APPL. 1986/2025 (Stay)

3. The present appeal under Section 10 of the Delhi High Court Act, 1966 seeks to assail the order dated 24.12.2024 passed by the learned Single Judge in I.A. 48682/2024 in CS(OS) No. 1011/2024, a suit preferred by the appellant/plaintiff seeking permanent and mandatory injunction, recovery and damages against the respondents/defendants.
4. After some arguments, learned senior counsel for the appellant submits that since the impugned order was passed even before the respondents filed their written statements, the appellant, instead of pressing the present appeal, would be satisfied if it is granted liberty to file a fresh



application for injunction after written statements are filed by the respondents in the ongoing proceedings before the learned Single Judge.

5. Having perused the impugned order, we are inclined to agree with the learned Senior Counsel that some of the observations made in the impugned order were uncalled for. We, therefore, find merit in the appellant's prayer for liberty to file a fresh application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 ('CPC') before the learned Single Judge.

6. In these circumstances, while disposing of the appeal as not pressed, we permit the appellant to file a fresh application under Order XXXIX Rule 1 and 2 CPC after the defence of the respondents is brought on record before the learned Single Judge.

7. We therefore make it clear that the observations made in the impugned order will not come in the way of the appellant moving an application and therefore in case a fresh application under Order XXXIX Rule 1 and 2 CPC is moved by the appellant, the same will be considered by the learned Single Judge on its own merits, without being influenced by the findings in the impugned order dated 24.12.2024.

REKHA PALLI, J

AJAY DIGPAUL, J

JANUARY 14, 2025/uk