



2025:DHC:3304-DB



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

+ **FAO (COMM) 104/2025 and CM APPLs. 25826-829/2025**

SANA HERBAL PVT. LTDAppellant

Through: Mr. MK Miglani, Mr. Amit
Tomar, Mr. Hardik Gogia and Mr. Utkarsh
Jha, Advocates

versus

DEHLVI AMBAR HERBALS PVT. LTD

& ANR.

.....Respondents

Through: Dr. Farrukh Khan and Ms.
Tanzeela Farheen, Advocates for R1 & 2

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT(ORAL)

% **01.05.2025**

C. HARI SHANKAR, J.

1. This appeal is directed against order dated 29 March 2025 passed by the learned District Judge (Commercial Court-01) in CS (COMM) 152/2025¹ to the extent that the learned Commercial Court has refused the appellant's prayer for *ex parte ad interim* injunction on the ground that the respondent was already in the market.

¹ Sana Herbal Pvt Ltd v Dehlvi Ambar Herbals Pvt Ltd and Anr



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2. *Prima facie*, this ground cannot be a sole basis to reject the prayer for *ex parte ad interim* injunction, as has already been held by the Division Bench of this Court in ***Hulm Entertainment Pvt Ltd v SBN Gaming Network Pvt Ltd***².
3. Nonetheless, we need not enter into that aspect of the matter as the defendant before the learned Commercial Court is before us as the respondent in the present appeal.
4. We, therefore, deem it appropriate to dispose of this appeal with a direction to both sides to place written submissions on record before the learned Commercial Court on the petitioner's application under Order XXXIX Rules 1 and 2 of the CPC, within a period of ten days from today.
5. Both parties are directed to appear before the learned Commercial Court on 22 May 2025.
6. We request the learned Commercial Court to hear the application under Order XXXIX Rules 1 and 2 of the CPC finally and take a decision thereon as expeditiously as possible.
7. This appeal is disposed of, in the aforesaid terms.
8. Needless to say, the learned Commercial Court would proceed

² Order dated 11 October 2023 passed in FAO (COMM) 209/2023



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uninfluenced by any observations contained in the impugned order dated 29 March 2025.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MAY 1, 2025/yg

Click here to check corrigendum, if any