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- * **IN THE HIGH COURT OF DELHI AT NEW DELHI**
- + **FAO (COMM) 132/2025 & CM APPL. 30861/2025, CM APPL. 30862/2025, CM APPL. 30863/2025**

FOX MANDAL AND ASSOCIATES AND ANR ...Appellants
Through: Mr. Jayant Mehta, Sr. Adv. Mr. Shekhar Gowda, Sr. Advs., Mr. Sandeep Mahapatra, Mr. Palzer Moktan, Ms. Mrinal Chaudhry, Advs.

versus

SOMABRATA MANDAL AND ORSRespondents
Through: Mr. Pramod Kumar Dubey, Sr. Adv. Mr. Amit Chauhan, Ms. Mamta Tiwari, Mr. Savinder Singh, Dr. Keerti Gupta, Ms. Barnali Mukherjee, Mr. Mr. Ankit Vashisht, Ms. Muskan Sharma, Mr. Ramachandrani B Siddhartha, Advs. for R-1 and 2
Mr. Amit Singh Chauhan, Adv. Mr. Zafar Khurshid, Adv. Mr. Arindam Bharadwaj, Adv. for R-2

- + **FAO (COMM) 133/2025 & CM APPL. 30864/2025, CM APPL. 30865/2025, CM APPL. 30866/2025**

SHUVABRATA MANDALAppellant
Through: Mr. Sandeep Sethi, Senior Adv, Mr. Saurabh Bindal, Ms. Akshita Salampuria, Ms. Akanksha Batra, Ms. Khushboo Kapur, Advs.

versus

SOMABRATA MANDAL& ORS.Respondents
Through: Mr. Amarjit Singh Chandhiok, Sr. Adv. with Ms. Mamta Tiwari, Mr. Tanpreet Gulati, Ms. Chakshu, Mr. Savinder



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Singh and Ms. Barnali Mukherjee, Advs. for
R-1 and 2

Mr. Amit Singh Chauhan, Adv. Mr. Zafar
Khurshid, Adv. Mr. Arindam Bharadwaj,
Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER (ORAL)

28.05.2025

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1. With consent of learned Counsel for both sides, these appeals
are disposed of in the following terms:

(i) Keeping in view the submissions advanced by Mr. Sandeep Sethi, learned Senior Counsel for the appellant to the effect that the impugned order ought not to have been passed without affording an opportunity to the appellant to file a reply, and without expressing any opinion on the merits of the contentions of either side or the sustainability of the impugned order, it is quashed and set aside.

(ii) The appellants are directed to file a response to the application of the respondents under Order XXXIX Rules 1 and 2 of the CPC on or before 2 June 2025.

(iii) The respondents may present their rejoinder thereto before the learned Commercial Court on or before 6 June 2025.

(iv) We direct the learned Commercial Court to take up the



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application of the respondents under Order XXXIX Rules 1 and 2 of the CPC for final arguments on 6 June 2025 and decide it uninfluenced by any observations contained in the impugned order.

2. This order is being passed without prejudice to the rights and contentions of the parties and without expressing any opinion thereon.
3. Either party who may continue to remain aggrieved by the order that would be passed would be entitled to ventilate their rights in accordance with law.
4. Pending applications also stand disposed of.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MAY 28, 2025

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[Click here to check corrigendum, if any](#)