



2025:DHC:7383-DB



\$~77

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 133/2025 & CM APPL. 53177/2025, CM**
APPL. 53178/2025, CM APPL. 53179/2025

BALAJI CORNER & ANR.Appellants
Through: Ms. Swathi Sukumar. Sr. Adv.
with Mr. Junaid Alam, Mr. Nishant Mahtta,
Mr. S. Nithin, Ms. Krati Fagna, Advs.

versus

BIKANER SWEETS CORNERRespondent
Through: Mr. J Sai Deepak, Sr. Adv. with
Mr Abhinav Bhatia, Mr Mohit Chawla, Ms.
Komolika Srivastava, Ms Sakshi Jain, Mr
Himanshu Pandey and Ms. Purnima
Vashishtha, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

% **26.08.2025**

C. HARI SHANKAR, J.

1. After some hearing, with consent of learned Counsel for both sides, the impugned order dated 19 August 2025 is set aside.
2. Let IA 19746/2025 (under Order XXXIX Rules 1 and 2 of CPC) be listed for arguments before the learned Single Judge on 26 September 2025.
3. Learned Counsel for both sides undertake not to take



2025:DHC:7383-DB



adjournment on the said date.

4. In order to facilitate matters, we direct the parties to file a short note of four pages before the learned Single Judge, at least a week in advance of the next date of hearing.

5. Reply to IA 19746/2025 be filed within two weeks from today with advance copy to learned Counsel for the plaintiff, who may file rejoinder thereto, if any, before the next date of hearing.

6. The learned Single Judge would take a decision on IA 19746/2025 uninfluenced by the impugned order dated 19 August 2025.

7. The impugned order is accordingly quashed and set aside and the present appeal is disposed of in the aforesaid terms.

8. This order should not be treated as expressing any opinion on the merits of the dispute.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

AUGUST 26, 2025

dsn