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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 238/2025, CAV 328/2025, CM APPL. 53989/2025 & CM APPL. 53990/2025**

RIYA BALHARA THROUGH SPA HOLDER MR. PARVESH KUMAR & ANR.

.....Appellant

Through: Mr. H.S. Sharma, Adv.

versus

EAZYAPP TECH PRIVATE LIMITED & ORS.

.....Respondent

Through: Mr. Archit Singhal, Mr. Yogesh Khanduja, Advs. for R-4.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
28.08.2025

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1. Respondents No.1, 2 & 3 herein have filed a suit for declaration, injunction and recovery of Rs.10 lacs. The suit is directed against three defendants and appellants herein are defendants No.1 & 2.
2. When the abovesaid suit was taken up by learned Trial Court on 15.07.2025, while issuing summons for 20.11.2025 to the defendants, learned Trial Court also directed that, in the interregnum, the defendants shall not present any of the cheques which were mentioned in the settlement agreement, being subject matter of the suit.
3. The grievance of defendant No.1 is to the effect that a very long date has been given by learned Trial Court and, in the interregnum, such cheques

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would become stale. It is also submitted that there is no compliance of mandatory provision of Order XXXIX Rules 3 CPC.

4. There is appearance from the side of respondent No.4 (defendant No.3).

5. However, there is no appearance from plaintiffs despite advance service and being on caveat.

6. Fact remains that as per Orders XXXIX Rule 3A CPC, *‘where an injunction has been granted without giving notice to the opposite party, the Court shall make an endeavour to finally dispose of the application within thirty day from the date on which the injunction was granted; and where it is unable so to do, it shall record its reasons for such inability’*.

7. Be that as it may, after hearing arguments for some time, learned counsel for appellants does press the present appeal. He, however, submits that liberty may be granted to them to move applications before learned Trial Court seeking preponment and under Order XXXIX Rule 4 CPC.

8. The present appeal is, accordingly, dismissed as not pressed with liberty to appellants to move appropriate applications before the learned Trial Court seeking preponment in the date as also an application under Order XXXIX Rules 4 CPC. The learned Trial Court, after giving due opportunity of hearing to both the sides, shall dispose of proposed applications of defendant No.1 in accordance with law, as expeditiously as possible.

9. Pending applications also stand disposed of in aforesaid terms.

MANOJ JAIN, J

AUGUST 28, 2025/ck/pb