(2024) 10 UK CK 0048

Uttarakhand High Court

Case No: Appeal From Order No. 422 Of 2024

Dhanashree Agro Products Pvt. Ltd. & Another		APPELLANT
	Vs	
Kamaldeep Industries & Others		RESPONDENT

Date of Decision: Oct. 16, 2024

Acts Referred:

- Commercial Courts Act, 2015 - Section 13
- Code Of Civil Procedure, 1908 - Order 39 Rule 4

Hon'ble Judges: Manoj Kumar Tiwari, J; Vivek Bharti Sharma, J

Bench: Division Bench

Advocate: Sagar Kothari, D.S. Patni, Neeraj Garg, Yashpal Singh

Final Decision: Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. This is an appeal under Section 13 of the Commercial Courts Act, 2015, challenging order dated 17.08.2024, passed by learned Additional District

Judge, Commercial Court, Dehradun in Miscellaneous Case No.174 of 2024. By the said order,e x parte ad-interim injunction was granted in favour

of the plaintiff (respondent no.1 herein).

2. Learned counsels appearing for respondent no.1 submit that the appellant has already moved an application under Order 39 Rule 4 of the Code of

Civil Procedure, 1908 for vacation of ex parte ad-interim injunction order, therefore, this appeal is not maintainable.

3. Be that as it may. Since the appellant has already moved an application under Order 39 Rule 4 of C.P.C. for vacation of ex parte ad-interim order,

therefore, we are not inclined to entertain the present appeal.

4. However, having regard to the peculiar facts and circumstances of the case, we dispose of this appeal with a request to Commercial Court,

Dehradun to consider and decide the application filed by the appellant under Order 39 Rule 4 of C.P.C. for vacation of ex parte ad-interim injunction

order, if possible, on the next date fixed in the matter.

5. The appeal is disposed of in the above terms.

6. Pending application, if any, also stands disposed of.

7. Let certified copy of this order be issued to learned counsel for the parties, today itself, as per Rules.