



2025:DHC:8190-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO (COMM) 228/2025 & CM APPL. 51697/2025**
BHARAT SINGH KUSHWAH AND ORSAppellants
Through: Mr D.K. Yadav, Mr Kapil
Yadav and Mr Gaurav Kumar, Advs.

versus

MANOJ SHARMA AND ANRRespondents
Through: Mr. Kunal Khanna, Mr.
Madhav Anand, Mr. Krtin Bhasin, Mr.
Yashveer Singh and Mr. Udit Sharma, Advs.

CORAM:

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

ORDER (ORAL)

% **15.09.2025**

C. HARI SHANKAR, J

1. This appeal is directed against the order dated 24 July 2025 by which the appellants' prayer for *ex-parte ad interim* injunction and appointment of Local Commissioner has been dismissed.

2. We had set the appeal for hearing today and directed both sides to file written submissions. No written submissions are however forthcoming.

3. We are informed that the application of the appellants under Order XXXIX Rules 1 and 2 of CPC is now listed before the learned Commercial Court on 24 November 2025.



4. With consent of learned Counsel, therefore, we deem it appropriate to dispose of this appeal with a request to the learned Commercial Court to take up the application of the appellants under Order XXXIX Rules 1 and 2 of CPC finally for disposal on 13 October 2025 and to pass orders thereon. Both sides undertake not to take any adjournment on the said date.

5. In order to facilitate the learned Commercial Court, both sides are directed to place on record short notes of their respective written submissions not exceeding four pages each along with duly index compilation of the judicial authorities before the learned Commercial Court at least 48 hours in advance of the next date of hearing.

6. We request the learned Commercial Court to take up the application of the appellants under Order XXXIX Rules 1 and 2 of the CPC on the said date and to dispose of the application on the same date itself or as early as thereafter may be possible.

7. The learned Commercial Court shall proceed uninfluenced by the observations or findings contained in the order dated 24 July 2025 under challenge in the present appeal or by any observations contained in the order dated 21 August 2025.

8. List on 13 October 2025 before the learned Commercial Court.

9. The appeal is disposed of in the aforesaid terms.



2025:DHC:8190-DB



10. Needless to say, should either side be aggrieved by the order passed by the learned Commercial Court, the right to agitate the grievance in that regard by way of appropriate legal proceedings shall stand reserved.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

SEPTEMBER 15, 2025/ng