



Heard learned counsel for the appellant as well as for the respondent.

It is brought to our notice that while passing the impugned order the High Court has arrived the following conclusion:

"It is hereby recorded that the above findings have been made on the basis of the plaint case and the application for temporary injunction supported by affidavits and annexures and that I have not considered any defence stand as there is no scope to consider such defence stand at the time of grant of an ad interim injunction."

The above conclusion makes it clear that the High Court has not considered the defence stand put up by the parties. In view of the same we have no other option except to set aside the order of the High Court and remit the matter back to the High Court for fresh decision. We have not expressed anything on the merits of the case except the conclusion which we have extracted above.

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We request the High Court to pass fresh order after affording opportunity of being heard to both parties and rival contentions preferably within a period of six weeks from the date of the receipt of the copy of the order of this Court.

In the meanwhile, both parties are directed to maintain status-quo prevailing as on date till the final order being passed by the High Court as directed above.

The appeal is disposed of accordingly.

.....J.  
(P. SATHASIVAM)

.....J.  
(Dr.B.S. CHAUHAN)

New Delhi,  
September 26, 2011.