

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4109 OF 2009
(ARISING OUT OF SLP(C) NO.14283 of 2009)

M/S CLINIQUE LABORATORIES LLC & ANR.APPELLANTS)

VERSUS

M/S GUFIC P.LIMITED & ANR.RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned senior counsel appearing on behalf of the appellants as well as the respondents.

The High Court of Delhi by the impugned order dt.29.05.2009 stayed the operation of the judgment passed by the learned Single Judge granting injunction in favour of the appellants on 16.12.2008 which was subsequently made absolute by the order dt.09.04.2009.

It is an admitted fact that the appellant was on caveat. The High Court did not grant any time to file counter. The appellants had the benefit of injunction in its favour ever since 16.12.2008. In our considered opinion, the High Court ought not to have suspended the operation of injunction order even at the stage of admission of F.A.O.

In such circumstances, we find it difficult to sustain the impugned order. The impugned order is accordingly set aside. We, however, request the High Court to dispose of the appeal without being influenced by the interim order granted on 29.05.2009. The appeal is accordingly allowed. There shall be no order as to costs.

Liberty is granted to the parties to request the High Court to advance the hearing of the matter.

.....J.
(B.SUDERSHAN REDDY)

.....J.
(AFTAB ALAM)

NEW DELHI;
JUNE 15, 2009.

