

(2023) 05 DEL CK 0139

In the Delhi High Court

Case No : First Appeal From Order (COMM) No. 111 Of 2023, Civil Miscellaneous Application No. 26826-26827 Of 2023

Aishwary Ghai & Anr.

APPELLANT

Vs

Class 21A Technologies Pvt. Ltd

RESPONDENT

Date of Decision : 19-05-2023

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 9

Citation : (2023) 05 DEL CK 0139

Hon'ble Judges : V. Kameswar Rao, J;Tara Vitasta Ganju, J

Bench : Division Bench

Advocate : Ramesh Singh, Sakshi Mehley, Harshita Kumar, Sajal Manchanda, Sakshi Dewangan, Advait Ghosh, Anant Patro, Mrinal Chaudhary

Judgement

V. Kameswar Rao, J

CM Appl. 26827/2023

Exemption allowed subject to all just exceptions.

Application stands disposed of.

FAO (COMM) 111/2023

1. This appeal impugns the order dated May 9, 2023 passed by the learned District Judge, Commercial Court (North), Rohini, Delhi in a petition filed by the respondent under Section 9 of the Arbitration and Conciliation Act, 1996 whereby the learned District Judge has restrained the appellants from operating their Youtube Channels and social media platforms for imparting tuitions to the students till May 29, 2023.

2. Mr. Ramesh Singh, learned Sr. Counsel appearing for the appellants has made many submissions including the fact that the interim order could not have been passed without eliciting a reply to the petition.

3. On the other hand, learned counsel appearing for the respondent would justify the interim order. He states, despite order dated May 9, 2023, the appellants are operating the Youtube Channels and social media platforms, in that sense, they are in contempt of the order and the petition is liable to be dismissed. This submission is vehemently disputed by Mr. Singh.

4. Without going into the rival submissions made by the counsel for the parties, we are of the view that the date of May 29, 2023 needs to be advanced and we accordingly advance it to May 22, 2023 before the District Judge.

5. The appellants herein shall file reply to the petition by sending an advance copy to the respondent by tomorrow evening. Respondent herein shall send advance copy of the rejoinder to the reply to be filed by the appellants by Sunday evening. Both reply and the rejoinder shall be submitted to the District Judge on the next date of hearing.

6. Suffice to state that the learned District Judge shall hear the parties and dispose of the petition under Section 9 of the Arbitration and Conciliation Act, 1996 immediately thereafter.

7. All the pleas of the parties are left open to be submitted before the learned District Judge.

8. With the above, the appeal stands disposed of.

CM Appl. 26826/2023

Dismissed as infructuous.