

**Hon'ble Tarun Agarwala, J.**

Mr. B.P. Nautiyal, Sr. Advocate assisted by Mr. Mohd. Matloob, learned counsel for the petitioner.

Mr. Piyush Garg, learned counsel for the caveator.

Having heard the learned counsel for the petitioner, the Court is not inclined to interfere in the order of the lower appellate court, whereby the said Court has summoned the record of the trial court and has fixed 17<sup>th</sup> August, 2012 for hearing of the application 4-ga, which is presumably an injunction application.

The Court further finds that a suit for injunction was filed in the year 2008 and, on the basis of an *ex parte* interim injunction, which has not been vacated, no further steps have been taken by the parties to get the suit decided. The injunction application 6-C is still pending consideration before the trial court and it appears that the plaintiff is not interested in its disposal, but is only interested in the continuation of the temporary injunction, which has not been recalled by the trial court.

This Court does not find any error in the impugned order. The writ petition is dismissed.

**(Tarun Agarwala, J.)**

31.07.2012

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