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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. (I) (COMM) 339/2020 & I.As. 9494/2020, 9495/2020

MOHIT SARAF

..... Petitioner

Through: Mr.Arvind Nigam and Mr.Dayan
Krishnan, Sr. Advs. with Mr.Sitesh
Mukherjee, Mr.Sandeep D. Das,
Ms.Anusha Nagarajan,
Mr.Raghuvendra Singh and
Ms.Arushi Mishra, Advs.

versus

RAJIV K LUTHRA AND ORS

..... Respondents

Through: Dr.Abhishek Manu Singhvi, Sr. Adv.
with Ms.Haripriya Padmanabhan,
Ms.Pooja Dhar, Mr.Shrutunjay
Bhardwaj and Ms.Ashima Chauhan,
Advs. for R-1
Mr.Neeraj Kishan Kaul and
Mr.Amarjit Singh Chandiok, Sr.
Advs. with Mr.Zeeshan Diwan,
Mr.Deepak Joshi and Ms.Simran
Kohli, Advs. for R-2 to 7.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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16.10.2020

This matter is being heard through video-conferencing.

I.A. 9494/2020 & 9495/2020 (for exemption)

Exemption allowed subject to all just exceptions.

The applications are disposed of.

O.M.P. (I) (COMM) 339/2020

1. This petition has been filed by the petitioner with the following prayers:-

“Therefore, in the light of the facts and circumstances of the present case, and the submissions made in regard thereto, this Hon'ble Court may be pleased to:

- a) Stay the notice issued by the Respondent No. 1 to the Petitioner by way of email sent on 13.10.2020 purportedly terminating the Petitioner's partnership with L&L Partners, New Delhi and all actions taken consequent thereto;*
- b) Restrain the Respondent No. 1 from directly or indirectly, interfering with the management and /or administration, and from participating in the affairs of the firm L&L Partners, New Delhi;*
- c) Restrain the Respondent No. 1 from holding himself out as, or representing himself to be a partner in L&L Partners, New Delhi;*
- d) Direct the Respondent No. 1 to forthwith hand over to the Petitioner all assets and properties of the firm L&L Partners, New Delhi, currently within his possession, including ownership and control over the website www.luthra.com;*
- e) Restrain the Respondent No. 1 from accessing or using any of the assets of the firm, including but not limited to restraining the Respondent No. 1 from withdrawing any monies, or authorizing any payments out of, or otherwise operating bank accounts held by the firm, without the consent of the Petitioner;*
- f) Restrain the Respondents from interdicting the Petitioner's rights to conduct and manage the affairs of the firms L&L Partners, New Delhi, L&L Partners, Mumbai and L&L Partners Litigation, New Delhi;*
- g) Direct the Respondents to forthwith restore the Petitioner's access to his firm email id - MSaraf@luthra.com and the Petitioner's*

name as being part of the management on the websites of the firms, L&L Partners, New Delhi, L&L Partners, Mumbai and L&L Partners, Litigation, and further restrain the Respondents from directly or indirectly, preventing or otherwise restricting the Petitioner's access to and use of the Delhi Firm's IT infrastructure such as personal laptop, desktop, email with the domain name @luthra.com, servers, database, software subscriptions;

h) Direct the Respondents to forthwith restore the access of all employees and staff to, and enable use of the IT infrastructure such as personal laptop, desktop, emails with the domain name @luthra.com, servers, database, software subscriptions, whose access has been drastically blocked since 13.10.2020;

i) Direct the Respondent No. 1 to remove the 'bouncers' stationed by him at the office of the Delhi Firm at the 1st and 9th Floors, Ashoka Estate, 9, Barakhamba Road, New Delhi - 110001 and further restrain the said Respondents from restricting in any manner the Petitioner's ingress and egress to the office space at 1st and 9th Floors, Ashoka Estate, 9, Barakhamba Road, New Delhi-110001;

j) Restrain the Respondents from causing any disturbance or damage to the office cabin of the Petitioner;

k) Direct the Respondent No. 1 to cease and desist from entering the offices at 1st and 9th Floors, Ashoka Estate, 9, Barakhamba Road, New Delhi - 110001, soliciting or contacting the employees, retainers, or clients of L&L Partners, New Delhi;

l) Restrain the Respondent No. 1 from making any representation to any of the clients or retainers or employees of any of the firms, L&L Partners, New Delhi, L&L Partners, Mumbai or L&L Partners, Litigation, New Delhi, and from making any representation, communication, filing, applications etc. to any regulatory authorities including the Registrar of Firms, or to the media to the effect or on the basis that the Petitioner's partnership has been terminated, or that the Petitioner has ceased to be a partner of any of the said firms, or that the petitioner is not authorized to represent the said firms, and

further direct the Respondent No. 1 that if any such communication has been made, then to forthwith withdraw the same;

m) Restrain the Respondent No. 1 from using the name "Luthra & Luthra" or "L&L Partners" or any variation thereof, for carrying on any business competing with the business of L&L Partners, New Delhi;

n) Grant ex parte ad interim reliefs in terms of the above;

o) Pass such order and any further other order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. In substance, the petitioner has challenged the notice, issued by the respondent No.1 terminating the petitioner's partnership with L&L Partners, New Delhi.

3. I have heard Mr. Arvind Nigam, learned Sr. Counsel for the petitioner, Dr. Abhishek Manu Singhvi and Mr. Neeraj Kishan Kaul, learned Sr. Counsels for respondent No.1 for quite some time.

4. During his submissions, Mr. Nigam has stated that the petitioner is ready and willing to work out differences with the respondent No.1 before a learned Mediator, provided a *status quo ante* is granted.

5. On the other hand, Dr. Singhvi and Mr. Kaul both have stated that even the respondent No.1. is not averse to the mediation process but without any order of *status quo ante*.

6. Noting the aforesaid submissions made by the learned Sr. Counsels for the petitioner and respondent No.1 and as suggested by them for appointing Mr. Sriram Panchu, Sr. Advocate as a Mediator, I deem it appropriate to direct the petitioner and the respondent No.1 to appear before

Mr. Sriram Panchu preferably tomorrow i.e 17th October, 2020 by taking a convenient time from Mr. Panchu on his mobile number being 9840055379. If for any reason, it is inconvenient for Mr. Panchu to hold the mediation process tomorrow i.e. Saturday, the proceedings can be held on 18th October, 2020 i.e Sunday. Liberty is with the Ld. Mediator to hold the proceedings through Video Conferencing.

7. The Ld. Mediator shall be at liberty to fix his fee, in consultation with the aforesaid parties, who shall share the same equally.
8. Liberty is with the counsels for the parties to convey this order to Mr. Panchu through e-mail and whatsapp message. Discretion is with the parties to e-mail a brief note each to Mr. Panchu, in advance for his consideration.
9. List the petition on 20th October, 2020.

V. KAMESWAR RAO, J

OCTOBER 16, 2020/ak