

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

OP(C).No. 2329 of 2013 (O)

IA.954/2013 IN OP(ARB) 113/2013 OF DISTRICT COURT, MANJERI.
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PETITIONER/PETITIONER:

**M.H.MARKETING, DOOR NO.4/90V,
MAYILADIKUNNU ROAD, ALINCHUVAD,
TIRUR, MALAPPURAM - 676 101,
A REGISTERED PARTNERSHIP FIRM
REP. BY ITS MANAGING PARTNER
HASSAINAR MUNEESH.K.**

**BY ADVS.SRI.SHYAM PADMAN
SRI.A.RANJITH NARAYANAN
SRI.S.K.SAJU
SMT.A.SIMI**

RESPONDENT(S)/RESPONDENTS:

- 1. MICROMAX INFORMATICS LIMITED,
697, PHASE V, UDYOG VIHAR, GURGAON,
HARIYANA-122 015, A COMPANY
INCORPORATED UNDER THE COMPANIES ACT,
REP. BY ITS MANAGING DIRECTOR.**
- 2. THE DHANALAKSHMI BANK LTD.
EDAPPAL BRANCH, PATTAMBI ROAD, EDAPPAL,
MALAPPURAM - 679 576,
REP. BY ITS BRANCH MANAGER.**

**R1 BY ADVS. SRI.P.K.SAJEEV
SRI.V.K.SATHYAJITH
R2 BY ADVS. SRI.T.K.RAJESHKUMAR
SMT.RESHMA RATNALAL**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 08-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1:** TRUE COPY OF THE BANK GUARANTEE DATED 29.09.2010 EXECUTED BY 2ND RESPONDENT IN FAVOUR OF 1ST RESPONDENT.
- EXHIBIT P2:** TRUE COPY OF THE MICROMAX CONSUMER DISTRIBUTOR AGREEMENT DATED 25.03.2011 EXECUTED BETWEEN PETITIONER AND THE 1ST RESPONDENT.
- EXHIBIT P3:** TRUE COPY OF THE E-MAIL DATED 10.12.2012 SENT BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXHIBIT P4:** TRUE COPY OF THE EMAIL DATED 08.01.2013.
- EXHIBIT P5:** TRUE COPY OF THE E-MAIL DATED 16.05.2013 SENT BY THE 1ST RESPONDENT.
- EXHIBIT P6:** TRUE COPY OF THE EMAIL DATED 19.06.2013 AND ITS REPLY MAIL.
- EXHIBIT P7:** TRUE COPY OF THE REGISTERED LETTER ISSUED BY PETITIONER TO THE OFFICIALS OF THE 1ST RESPONDENT ALONG WITH THE POSTAL RECEIPTS DATED 20.06.2013.
- EXHIBIT P8:** THE TRUE COPY OF THE PETITION O.P(ARB)NO.113/2013 FILED BEFORE THE DISTRICT COURT, MANJERI.
- EXHIBIT P9:** TRUE COPY OF THE EMERGENT PETITION, I.A.NO.953/2013 IN O.P(ARB)NO.113/2013 FILED BEFORE THE DISTRICT COURT, MANJERI.
- EXHIBIT P10:** TRUE COPY OF THE I.A.NO.954/2013 SEEKING THE RELIEF OF INTERIM INJUNCTION IN O.P.(ARB) NO.113/2013 FILED BEFORE THE DISTRICT COURT, MANJERI.

RESPONDENT(S)' EXHIBITS:

- EXT.R1(A) :** TRUE COPY OF THE GENERAL POWER OF ATTORNEY DATED 20.5.2010 EXECUTED BY THE 1ST RESPONDENT.
- EXT.R1(B) :** TRUE COPY OF THE STATEMENT OF ACCOUNT SHOWING THE OUTSTANDING TOWARDS THE PETITIONER.
- EXT.R1(C) :** TRUE COPY OF THE DETAILED SCHEME SHEET.
- EXT.R1(D) :** TRUE COPY OF THE EMAIL CORRESPONDENCE BETWEEN THE PETITIONER AND THE 1ST RESPONDENT.
- EXT.R1(E) :** TRUE COPY OF THE LEDGER ACCOUNT OF THE PETITIONER EVIDENCING RETURN OF STOCK THROUGH ENTRY DATED 23.1.2013 (CREDIT NOTE DATED 23.1.2013.)
- EXT.R1(F) :** TRUE COPY OF THE LETTER DATED 13.5.2013 SENT BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT.

/TRUE COPY/

P.S. TO JUDGE

B.KEMAL PASHA, J.

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O.P.(C). No.2329 of 2013

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Dated this the 8th day of June, 2015

J U D G M E N T

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. On hearing both sides, it has come out that this Original Petition (Civil) can be disposed of, by directing the court below to dispose of Exhibit P10 as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this judgment. In the meantime, the petitioner shall renew the bank guarantee. The interim order passed by this Court will continue till the disposal of Exhibit P10, subject to the renewal of the bank guarantee.

In the result, this Original Petition (Civil) is disposed of

directing the court below to dispose of Exhibit P10 as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this judgment.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/8/6/15