

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A.No.2624 of 2009

1. The Tamil Nadu Chemists & Druggists Association represented by its Secretary M.Arul Kumar, having office at D-36, 8th Floor, D Block, Halls Tower 33, Halls Road, Chennai-8
 2. T.G.Venkatesan ..Appellants/Defendants 1 & 2
- Vs-
1. Dharmapuri Krishnagiri District Chemist & Druggist Society represented by its President P.Loganathan
 2. R.Jagadesan
 3. K.M.Krishnan ...Respondents R1 to R3/Plaintiffs
 4. D.S.Giridharan
 5. S.Elangovan
 6. K.S.Jagadesan
 7. G.Ramesh
 8. P.Venkatesan ..Respondents 4 - 7/Defendants 3 - 7

Memorandum of Grounds of Civil Miscellaneous Appeal under Order XLIII, Rule 1(u) of the Code of Civil Procedure, against the order and decretal order dated 21.7.2009 made in I.A.No.46 of 2009 in O.S.No.19 of 2009 on the file of the Principal District Court, Dharmapuri.

For Appellants :: Mr.V.Lakshminarayanan

For Respondents :: Mr.V.Ayyadurai for R1 to R3

JUDGMENT

This civil miscellaneous appeal is directed against the impugned order of interim injunction granted by the learned Principal District Judge, Dharmapuri in I.A.No.46 of 2009 in O.S.No.19 of 2009 dated 21.7.2009.

2. Mr.V.Lakshminarayanan, learned counsel for the appellants/defendants 1 & 2 submitted that during the pendency of the appeal, the suit, O.S.No.19 of 2009 filed by the respondents 1 to 3/plaintiffs was dismissed for default.

Subsequently, no application whatsoever has been filed for restoration, therefore, the appeal filed against the order of interim injunction has to be dismissed as infructuous, since the suit itself is no longer on the file of the learned Principal District Judge, Dharmapuri.

3. Recording the submission of the learned counsel for the appellants, this civil miscellaneous appeal is dismissed as infructuous, since the impugned order of interim injunction granted by the Court below has no legs to stand in view of the dismissal of the suit itself for default. However, the learned counsel prayed for liberty to restore the present appeal, in the event of an order of restoration of the dismissed suit by the Court below. Needless to mention that the said liberty is always there for an aggrieved party. Consequently, M.P.Nos.1, 2 of 2009 & 1 of 2010 are also dismissed. No costs.

sd/-
Assistant Registrar (Cs-IV)

/TRUE COPY/

Sub-Assistant Registrar

ss

To

1. The Principal District Judge
Dharmapuri

2. The Section Officer,
VR Section, High Court, Madras

+2 CC to MR.V.Ayyadurai Advocate. SR.NO.66967

+1 CC to MR.V.Ragahvachari Advocate. SR.NO.66979

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JD 11/01/2016