

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

Contempt Petition Nos.2077 to 2079 of 2016
 and
Sub.A.Nos.446, 452, 447, 450, 448 and 449 of 2016
in Cont.P.Nos.2077 to 2079 of 2016
 and
C.M.P.Nos.13617 to 13619 of 2016
in O.S.A.Nos.235 to 237 of 2015

Cont.P.Nos.2077 to 2079 of 2016

- 1.Quintessential Designs India Pvt.
 Ltd., Rep. by its CEO,
 Mr.Syed Layak Ali.
- 2.QD Seatoman Designs Pvt. Ltd.,
 Rep. by its Director,
 Mr.Syed Layak Ali. .. Petitioners in all Cont.Ps.
 .. Respondents in CMPS

-vs-

- 1.Puma Sports India (Pvt.) Ltd.,
 Rep. By authorised Signatory,
 Mr.Madhuresh Singh
 No.509, CMH Road,
 Indira Nagar, Bengaluru. ...1st Respondent in all Cont.Ps.
 .. Petitioner in all CMPS.
- 2.PUMA SE,
 Rep. By authorised Signatory,
 Mr.Rahul Sethi,
 PUMA Way 1,
 91074, Herzogenaurach,
 Germany. ...2nd Respondents in all Cont.Ps.

Contempt Petition Nos.2077 to 2079 of 2016

<https://hcservices.ecourts.gov.in/hcservices/>
 Petitions filed under Section 11 of the Contempt of
 Courts Act, 1971, to punish both the respondents for

contempt arising out of willful disobedience of order dated 18.02.2016 made in O.S.A.Nos.215, 216 and 237 of 2015 on the file of this Court.

C.M.P.Nos.13617 to 13619 of 2016

Petitions filed under Section 151 of CPC readwith order XIV Rule 8 of the Madras High Court O.S.Rules, Praying to recall the common order dated 18.02.2016 passed in OSA No.235 of 2015, 236 of 2015, 237 of 2015

For Petitioners in all Cont.Ps.: Mr.R.Parthasarathy
and Respondents in CMPS for Mr.M.S.Bharath

For Respondents in all Cont.Ps.: Mr.Chinmoy Pradip Sharma
and Petitioner in CMPS for Mr.A.R.Ramanathan

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COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The learned counsel for the petitioners does not press the contempt petitions and post trial at the stage of final hearing, it will be open to the petitioners to point out if there is any violation.

2.Contempt Petitions are, accordingly, dismissed as withdrawn, in terms aforesaid.

Sub.Applications and C.M.Ps.

3.We note with regret that the trial in the suit has not proceeded as the plaintiffs have not filed their affidavits of evidence. We are informed that in the

intermittent period, re-thought processes have created seven applications to be dealt with by the learned Single Judge. Those applications have been dealt with one way or the other except the second application for additional documents and the application made with a prayer to amend the plaint to include the prayer for rendition of accounts apart from the claim for damages.

4. In so far as the applications pending before the learned Single Judge are concerned, the learned counsel for the defendants in the suit submits that he has no objection to the additional documents being brought on record, but this process must end somewhere. We agree with that submission and thus, make it clear that no further documents will be permitted to be brought on record by the original plaintiffs on any ground, except of course document proved by confronting witness of the defendants.

5. In so far as the amendment to the plaint is concerned, in our view, the plaintiffs should have thought of this when instituting the suit. The application is opposed by the learned counsel for the respondents / original defendants only on the ground that the plaintiffs are seeking to cure the defect. Be that as it may, the same is an aspect which can be compensated to the defendants with costs.

6.We, thus, permit the amendment to the plaint to be carried out within a week, subject to payment of costs of Rs.10,000/- (Rupees ten thousand only) to the defendants within the same period.

7.The additional written statement confined to the aforesaid aspect is permitted to be filed within two (2) weeks thereafter.

8.We do not want the original scheme of things to be diverted, i.e. expeditious trial of the matter. The plaintiffs have not filed affidavits of evidence before the Local Commissioner. The affidavits will be filed within two (2) weeks, failing which the interim order in favour of the plaintiffs would stand vacated.

9.We are not inclined to pass any further directions as prayed for in the applications.

10.At this stage, it is pointed out that there is one more application filed by the original plaintiffs for perjury. That will be tried with the main suit.

11.No ground is made out for recall of consent orders at the behest of either of the parties.

12.The learned counsel for parties agree that the parties will appear before the Local Commissioner on 03.11.2016 at 3.00 p.m. for cross-examination of the witnesses of the parties.

13.All the sub-applications and miscellaneous petition, accordingly, stand disposed of.

Sd/-
JOINT REGISTRAR(OS) (I/C)

sra

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SS/CO/ / /2016

To

1.Puma Sports India (Pvt.) Ltd.,
Rep. By authorised Signatory,
Mr.Madhuresh Singh
No.509, CMH Road,
Indira Nagar, Bengaluru.

2.The Sub Assistant Registrar (Judl.),
High Court, Madras-101.

3.The Sub Assistant Registrar (OS),
High Court, Madras-101.

One CC to Mr.M.S.Bharathi, Advocate, Sr.No.12667/2016.