

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) No.1368 of 2015
and MP.No.1 of 2015
and CMP.No.3706 of 2016

1.TSI Engineering Industries Private Limited
Rep. by its General Managr Anil Goswami
Having Office at
Kali Mandir Path, Jyotikuchi, Lokhra Road,
Guwahati - 781 034.

2.Madhusudhan Shah
M/s.Trade Supply India
Having its Principal Office at
Kumudhini Commercial Complex,
A.T.Road, Guwahati - 781 001.

Vs

... Petitioners

C.R.I.Amalgamations Private Limited
Rep. by its Director G.Soundararajan
7/46-1, Keeranatham Road,
Saravanampati, Coimbatore - 641 035.

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the impugned order dated 12.02.2015 in I.A.No.87 of 2015 in O.S.No.40 of 2015 passed by the learned District Judge of Coimbatore.

For Petitioners	: Mr.V.Sankaranarayanan
For Respondent	: Mr.H.Karthik Seshadri for M/s.Iyer & Thomas

ORDER

This Civil Revision Petition is directed against the order dated 12.02.2015, whereby and whereunder the learned trial Judge by way of a very brief order, granted an order of ad-interim injunction.

2. The respondent filed a suit in O.S.No.40 of 2015 before the District Court at Coimbatore praying for a decree of permanent injunction restraining the petitioners herein from infringing its trade mark and other consequential reliefs. Before the trial Court, the respondent also filed an application for injunction pending disposal of the civil suit.

3. The learned trial Judge without discussing the merits of the case or the nature and scope of documents produced by the respondents, just referred to document Nos.12, 13, 14, 6, 22 to 28 and granted interim injunction. The said order is under challenge in this Civil Revision Petition primarily on the ground that the order is bereft of details.

4. I have heard the learned counsel for the petitioners and the learned counsel appearing on behalf of the respondent.

5. The order passed by the trial Court indicates that there was no discussion at all with regard to the merits of the case pleaded by the respondents. Being an application under Order 39 Rule 1 & 2 of Civil Procedure Code, the learned trial Judge should have given reasons to

show prima facie case, balance of convenience and irreparable loss that would be caused to the respondent. The learned trial Judge simply made an observation that on the basis of the documents produced by the respondent herein, a prima facie case was made out. The learned trial Judge was expected to consider the trinity test before granting an order of injunction. Unfortunately, the trial Judge failed to consider the factual matrix in the light of Order 39 Rule 1 & 2 of Civil Procedure Code. I am therefore of the view that the matter requires fresh consideration by the learned trial Judge.

6. The order dated 12.02.2015 in I.A.No.87 of 2015 in O.S.No.40 of 2015 is set aside. The matter is remitted to the learned trial Judge for fresh consideration.

7. The petitioners are given time till 18.10.2016 to file counter in I.A.No.87 of 2015 in O.S.No.40 of 2015. The learned trial Judge is directed to take up the application thereafter and decide the same on merits and in accordance with law as expeditiously as possible and in any case on or before 21.11.2016.

The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, all the connected petitions are closed.

27.09.2016

ds

K.K.SASIDHARAN,J

ds

To:

The District and Sessions Judge
Coimbatore.

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