

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2016

CORAM :

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

AND

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

O.S.A.Nos.215, 216, 235 to 237 of 2015

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.

... Appellants in OSA.215, 216
of 2015 & respondents in
OSA.235 to 237 of 2015

-vs-

1.Puma Sports India (Pvt.) Ltd.,
No.509, CMH Road,
Indira Nagar, Bengaluru.

2.PUMA SE,
PUMA Way 1,
91074, Herzogenaurach, Germany... Respondents in OSA.215,
216 of 2015 & appellants
in OSA.235 to 237 of 2015

Appeals filed under Order XXXVI Rule 9 of O.S. Rules read
with Clause 15 of the Letters Patent against the common order
dated 23.06.2015 passed in O.A.Nos.305 to 307 of 2015 in
C.S.No.215 of 2015 on the file of original side of this Court.

For Appellants in
OSA.215, 216 and
Respondents in OSA
235 to 237 of 2015

: Mr.M.S.Bharath

For Respondents in
OSA.215, 216 and
Appellants in OSA
235 to 237 of 2015

: Mr.Chinmoy Pradip Sharma
for Mr.A.R.Ramanathan

COMMON JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

We have heard learned counsel for parties. On instructions from the respective parties, the following agreed order is passed:

1. The common additional affidavit filed by the appellants affirmed on 16.02.2016 stands withdrawn unconditionally expressing regret for the same;
2. The interim order passed would remain in force till the decision post trial, subject to the caveat that the existing stock, which has been permitted to be sold, of the original defendants which now still remains is stated to be in the range of about 25, which can be sold, but accounts have been kept and are being maintained by the original defendants in respect of the same;
3. The observations made in the impugned order are naturally tentative in character being at the interlocutory stage and no evidence having been led. They must certainly not affect the final verdict in the suit;
4. In order to proceed expeditiously in trial, it was found that even the written statement has not been filed as yet. The defendants to file their written statement within one (1) week. The replication thereto be filed within three (3) weeks;
5. The original documents will be filed by the parties in their possession within six (6) weeks;
6. The suit be listed before the learned Single Judge for framing of issues on 07.04.2016;
7. The case shall be listed before the learned Master for exhibiting of documents on 21.04.2016;
8. In view of the fact that the Boards of the Masters is already heavy, the trial be recorded by a retired Judicial Officer with a cost to be borne equally by both the parties. Mr.V.Ramamurthy, former Registrar-Judicial of this Court, is appointed as the Commissioner to record evidence and the fee of the Commissioner will be Rs.1,00,000/- (Rupees one lakh only) apart from out-of-pocket expenses. The Commissioner will endeavour to conclude the evidence at the earliest, preferably within three (3) months from the first date fixed before the Commissioner, as it is stated that the parties will have about two witnesses each;
9. On conclusion of trial, the matter will be placed before the learned Single Judge for fixing a date for final hearing of the suit.

2.At this stage, it was proposed to the parties as to why they have not made endeavour to resolve the dispute through mediation and learned counsel for parties state that they made endeavour but the other did not respond. As to the position today, learned counsel for the parties state that they would have to obtain requisite instructions.

3.We are, thus, of the view that if the parties are inclined towards mediation without disturbing the trial schedule, in the interregnum period, they are not only free to make an endeavour themselves to even approach the Tamil Nadu Mediation and Conciliation Centre, Madras High Court Campus, for resolution of dispute and liberty is granted to the parties even to move the court in the present appeal for such an endeavour.

4.Original Side Appeals are disposed of in the aforesaid terms, leaving the parties to bear their own costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

sra

To

1. The Sub Assistant Registrar
Original Side, Madras High Court,
Chennai.

2. The Secretary
Tamil Nadu Mediation and
Conciliation Centre, Madras High Court Campus

Copy to

V. Ramamurthy
Registrar (Judicial) Retd.,
1-0-1 Arihant Towers
Jawaharlal Nehru Salai
(Opp. CMBT Bus stand) Koyambedu
Chennai-107.

4 ccs to Mr.M.S. Bharath, Advocate, Sr. 10499 to 10502
2 ccs to Mr.A.R. Ramanathan, Advocate, SR. 10429

O.S.A.Nos.215, 216, 235 to
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KSJ (CO)
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