

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.S.A.No.268 of 2015

1.DART INDUSTRIES INC.

(A Corporation founded under the
Laws of Delaware, U.S.A.),
14901, South Orange Blossom Trail,
Orlando, Florida 32837,
U.S.A.

Rep. by its constituted attorney
Kimberley Weate

2.TUPPERWARE INDIA PVT. LTD.,

204-206 Tolstoy House,
15, Tolstoy Marg,
New Delhi-110 001

rep. by its Authorised Signatory
VanditaBatta

... Appellants

vs

1.CELLO PLASTOTECH

Surv.No.597/2A,
Somnath Road, Dabhel
Daman-396 210.

Also at:

Cello House, Corporate Avenue 1st Floor,
"B" Wing, Sonawala Lane Goregaon (E),
Mumbai-400 063, India.

2.CELLO HOUSEHOLD PRODUCTS

Building A, Plot No.710, 711, 714 to 717
Somnath Road,
Dabhel,
Daman-396 210

.. Respondents

Appeal filed under Order XXXVI, Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against the order made in A.No.7585 of 2015 in C.S.No.829 of 2015, dated 16.12.2015 and praying to revoke the leave dated 6.10.2015 granted in A.NO.6709 of 2015.

For Appellants .. Mr.P.S.Raman
Senior Counsel
for
M/s.Arun C Mohan

For Respondents .. Mr.Satish Parasaran

JUDGMENT

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

We have heard the learned counsel for parties at length.

2. The following agreed order is passed:-

- (1)The impugned order of the learned Single Judge dated 16.12.2015 in A.No.7585 of 2015 in C.S.No.829 of 2015 is set aside and the suit is restored to its file.
- (2)The present position of their being no interim order would continue till the application for interim relief is heard.
- (3)The learned Single Judge to bestow his urgent consideration on the issue of consideration of the grant of interim relief.
- (4)The defendants will file their written statement and the documents within three weeks' from today.
- (5)The learned counsel for parties will appear before the learned Single Judge for consideration of the interim application on 21.03.2016.

3. The appeal stands allowed in the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

bbr

To

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

+1cc to Mr.Arun C. Mohan, Advocate, S.R.No.11940

JSV(CO)
EU(03/03/2016)

O.S.A.No.268 of 2015



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