

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.10.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.1487 of 2016,
C.M.P.Nos.8168, 8618, 8619 and 9646 of 2016

Greaves Cotton Limited
Represented by its
Plant Manager (Unit 1)
Mr.T.G.Mahadevan
Having their office at
F-62 and F-63 Sipcot Industrial Complex,
Gummidipoondi - 601 201.

...Petitioner

versus

Greaves DTUC Workers Union
Represented by its Secretary,
Mr.Arumuga Selvan
Greaves Cotton Company
40/450 Mahavaram High Road,
Moolakadaai, Chennai 600 060.

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the petition and order dated 05.05.2016 passed in I.A.No.182 of 2016 in O.S.No.71 of 2016 on the file of Vacation Court, Tiruvallur in the Court of Sub-Court, Ponneri.

For Petitioner : Mr.M.S.Krishnan, Senior Counsel
for Mr.K.R.Hariharan

For Respondent : Mr.M.Ramadoss for
Mr.A.Nagarathinam

ORDER

This Civil Revision Petition is directed against the order dated 05.05.2016, whereby and where under, the learned Subordinate Judge, Ponneri declined to grant an interim order to restrain the respondent from interfering with the peaceful possession and enjoyment of the factory premises by the petitioner.

2. The petitioner filed a suit in O.S.No.71 of 2016 before the Sub-Court at Ponneri against the respondent for injunction. The petitioner alleged that the workmen, who are members of the respondent union have barged inside the company premises on 29.04.2016 and interfered with the normal functioning. Since the members have no right to restrain the petitioner from undertaking production, the petitioner filed the suit for injunction.

3. The petitioner along with the suit filed an application in I.A.No.182 of 2016 for an order of interim injunction. The Trial Court, issued notice to the respondent. The Trial Court refused to grant injunction and observed that the matter is covered under the provisions of the Industrial Disputes Act. Challenging the order dated 05.05.2016, the petitioner has filed this Civil Revision Petition.

4. This Court taking into account the arguments advanced by the learned counsel for the petitioner and the documents available on record granted an order of interim injunction, by order dated 27.05.2016. The order was extended periodically.

5. The respondent in the mean while filed an application to restrain the petitioner from selling the land or transferring the machineries pending disposal of the revision petition.

6. Heard the learned Senior Counsel for the petitioner and the learned counsel for the respondent.

7. The learned Trial Judge declined to grant an order of injunction and issued notice to the respondent. The respondent is yet to file counter in the interlocutory application. The Trial Court in a matter of this nature should be given liberty to pass an order on merits.

8. After hearing the learned Senior Counsel for the petitioner and the counsel on behalf of the respondent, I am of the view that interest

of justice would be sub served in case, the Trial Court is directed to consider the application in I.A.No.182 of 2016 on merits after giving an opportunity to the respondent to file counter affidavit. With regard to the prayer made by the respondent to restrain the petitioner from selling or transferring the land and machineries during the currency of the revision petition, the learned counsel for the petitioner on record on instructions submitted that the petitioner has no intention of alienating or selling the machineries or land and as such, the apprehension of the respondent has no basis. The said submission is recorded.

9. The respondent is given time till 21.11.2016 to file counter in I.A.No.182 of 2016. The learned Trial Judge is directed to consider the application for injunction and pass appropriate orders on merits and as per law with reasonable opportunity to the parties to submit their case. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order. Status quo as on today shall be maintained till the disposal of the interlocutory application by the learned Trial Judge.

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

24.10.2016

Index:Yes/No
svki

To

The Sub-Court, Ponneri

K.K.SASIDHARAN, J.

(svki)

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