

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2627 of 2016

and

C.M.P.No.13553 of 2016

Kavin Motors
represented by its Partner
P.Kamalesh
Authorised Dealer
Yamaha Motors Pvt. Ltd.
Coimbatore Road,
Palladam.

... Petitioner

VS

- 1.P.Senthilkumar
Managing Partner,
Shri Saravanagiri Agencies,
Authorised Sub-dealer (YBC)
Yamaha Motor Bikes,
Show Room at Alangiam Road,
Dharapuram.
- 2.The Regional Business Head
Yamaha Motors India Pvt. Ltd.
1056 U.R.House, 3rd Floor,
Avinashi Road,
Coimbatore - 641 018.

3.R.Vivek

The Rational Business Head,
Yamaha Motors India Pvt. Ltd.
1056 U.R.House, 3rd Floor,
Avinashi Road,
Coimbatore - 641 018.

4.The Zonal Head

Yamaha Motors India Pvt. Ltd.,
92/A, 1st Floor, Dr.Alagappa Road,
Purasaivakkam,
Chennai - 600 084.

5.The Vice President,

Sale and Marketing,
The Yamaha Motors India Pvt. Ltd.,
A3, Ind, Area Noida - Dadri Road,
Surajpur, Gautam Budh Nagar,
Uttar Pradesh.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India
against the order of learned District Munsif, Dharapuram, passed in I.A.No.535
of 2016 in O.S.No.156 of 2016 on 06.08.2016.

For Petitioner : Mr.M.Selvam

For Respondents : Mrs.P.T.Asha
for Mr.K.Sudhakar

ORDER

This revision arises against the order of learned District Munsif, Dharapuram, passed in I.A.No.535 of 2016 in O.S.No.156 of 2016 on 06.08.2016.

2. O.S.No.131 of 2016 (renumbered as O.S.No.156 of 2016) on the file of District Munsif, Dharapuram, is an action moved by first respondent/plaintiff, who claims to be a dealer of Yamaka Motorcycles seeking mandatory injunction and other consequential reliefs. First respondent/plaintiff moved I.A.No.407 of 2016 seeking temporary injunction. Court below, under order dated 13.05.2016, issued notice to respondents and granted ad-interim injunction till 13.06.2016. Challenging such order, petitioner/first defendant preferred C.R.P.No.1578 of 2016 before this Court. This Court, under order dated 27.05.2016, while dismissing the revision directed the parties to maintain status-quo which prevailed prior to the institution of suit till the disposal of appeal or petitions seeking vacation of injunction. Respondents 2 to 5/defendants 2 to 5 moved I.A.Nos.499 and 518 of 2016 seeking dismissal of the suit and to delete the name of defendants 2 to 5 from the array of defendants. Petitioner/first defendant moved I.A.No.535 of 2016 seeking rejection of the plaint. Court below, under common order dated 06.08.2016, dismissed both

applications. Against dismissal of I.A.No.535 of 2016, petitioner/first defendant has preferred this revision.

3. Heard learned counsel for petitioner and learned counsel for respondents.

4. In dismissing the application, the Court below has found that neither the petitioner/first defendant nor respondents 2 to 5/defendants 2 to 5 have produced the resignation letter said to have been given by plaintiff in support of their claim that the dealership agreement of plaintiff was cancelled based on his resignation letter. While the plaintiff contended that he did not give any resignation letter, that he has been running dealership since 1993 and his dealership agreement is still subsisting, it was the case of petitioner/first defendant that as the agreement is only an agency agreement, which could be cancelled at any time if the principal is unsatisfied with the performance of the agent. Court below found that the rival contentions could be tested only at the trial and that a cause of action existed.

Finding no error in the order of the Court below, the Civil Revision
Petition is dismissed. No costs. Connected miscellaneous petition is closed.

02.09.2016

Index:yes/no
Internet:yes
gm

To

The District Munsif,
Dharapuram.

C.T.SELVAM, J

gm

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