

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

O.S.A.Nos.268 to 270 of 2009

and M.P.Nos.1 & 2, 2 & 3 and 2 of 2009

M/s.Hindustan Unilever Limited,
No.101, Santhome High Road,
Chennai 600 028. .. Appellant in all OSAs./Applicant

-vs-

1.Reckitt Benckiser (India) Limited,
rep. By its Managing Director,
Chander M.Sethi.

2.MAA TV Network Limited,
H.No.6-3-66/B, MAA Chambers,
Behind Topaz Buildings, Panjagutta,
Hyderabad. .. Respondents in all OSAs./Respondents

Appeals filed under Order XXXVI Rule 1 of O.S. Rules and Clause 15 of the Letters Patent against the common order dated 04.09.2008 passed in O.A.Nos.1373 and 1374 of 2007 and Appl.No.146 of 2008 in C.S.No.1128 of 2007 on the original side of this Court.

For Appellant : Mr.Madanbabu in all the OSAs

For Respondents : Mr.E.Veda Bagath Singh in all the OSAs

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J U D G M E N T

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

No interim relief is obtained for the benefit of the appellant, as the interim order granted qua disparaging advertisement was vacated subsequently, against which the appeals have been directed.

2.Needless to say, the whole purpose of the interlocutory stage is to have an arrangement pending trial of the suit and not as a final verdict by itself. We are informed that the suit

apparently has not moved an inch over the last seven years and it was for the appellant / plaintiff to have taken steps if the respondents were negligent in defending the suit.

3.It is trite to say that the function of the appellate Court in such matters is not to sit once again as a trial judge and try the suit or take a view unless an element of perversity is found (Wander Limited and another v. Antox India Pvt. Ltd., reported in 1990 (Supp) SCC 727)

4.Original Side Appeals, thus, stand dismissed. No costs. Consequently, connected miscellaneous petitions also stand dismissed.

5.At request of learned counsel for the appellant, though it is already obvious to us, the findings at interlocutory stage being only prima facie in nature would not be binding at the stage of final disposal. The suit be listed before the learned Single Judge for directions on 20.09.2016.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

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

+1 cc to Mr.R.Saravanakumar, advocate,sr.50341.

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krd 14/9

O.S.A.Nos.268-270 of 2009

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