

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2016

CORAM

THE HON'BLE MR. JUSTICE A.SELVAM

AND

THE HON'BLE MR. JUSTICE P.KALAIYARASAN

O.S.A.No.133 of 2016

Cognizant Technology Solutions India

Pvt.Limited,

Having Office at Plot No.A-15 to 17, A-33,

Phase I & II & Plot No.D2, C10 and C1,

MEPZ of Commerce and Industry

Govt.of India,

NH-45, Tambaram, Chennai-45

... Appellant/Respondent

Vs

Hotel Virudhunagar,

rep.by its Proprietor H.Ibrahim Sha,

Having Registered Office at

No.77, G.N.Chetty Road,

T.Nagar, Chennai-17

... Respondent/Applicant

Appeal preferred under Order XXXVI Rule 9 of O.S. Rules r/w
Clause 15 of the Letters Patent against the order dated
19.5.2016 made in O.A.No.398 of 2016.

For Appellant : Mr.P.H.Arvind Pandian, Sr.counsel

For Respondent : No appearance

JUDGMENT

(Judgment of the Court was delivered by A.SELVAM, J.)

This Original Side Appeal has been directed against the
order, dated 19.5.2016, passed in Original Application No.398 of
2016, by the learned single Judge of this Court.

2. The respondent herein, as applicant, has filed
O.A.No.398 of 2016, on the file of this Court, wherein, the
present appellant has been shown as sole respondent. At the

time of admitting the Original Application No.398 of 2016, an interim order has been passed so as to restrain the appellant/respondent from interfering with the peaceful possession and enjoyment of catering business, which is being run by the respondent/applicant. Against the interim order passed by the learned Single Judge, the present Original Side Appeal has been preferred.

3. The learned counsel appearing for the appellant has sparingly contended that the appellant/respondent is ready to conduct O.A.No.398 of 2016 and a specific direction has to be given to the effect that the observation made in the interim order need not be considered at the time of disposing of O.A.No.398 of 2016.

4. Considering the nature of the relief sought in O.A.No.398 of 2016, this Court is of the view to give necessary direction to the learned Single Judge to dispose of O.A.No.398 of 2016.

In fine this Original Side Appeal is disposed of on the basis of the observations made earlier. However, it is directed that at the time of disposing of the Original Application No.398 of 2016, the observation made in the impugned order need not be looked into and O.A.No.398 of 2016 has to be decided on the basis of merits. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msk

To

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

+lcc to M/s.Fox Mandel & Associates, Advocate, S.R.No.39248

O.S.A.No.133 of 2016

PUR(CO)
CA(05/08/2016)