

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE R.MAHADEVAN

O.S.A.No.280 to 283 of 2010

1.Aqua Pump Industries
rep. by its Managing Partner,
Mr.Ramaswamy Kumaravelu,
Thudiyalur Post,
Coimbatore 641 034.
having their branch Office at
No.156 Poonamallee High Road,
Vanagaram, Chennai 600 095.

2. Aqua Sub Engineering
rep. by its Managing Partner,
Mr.Ramaswamy Kumaravelu,
Thudiyalur Post,
Coimbatore 641 034.
having their branch office at
No.156, Poonamallee High Road,
Vanagaram, Chennai 600 095. .. Appellants in all Appeals

versus

Texmo Pipes and Products Ltd.,
Bhadarpur Road, Mohamad Pura,
Burhandpur, Madhya Pradesh. .. Respondent in all Appeals

Appeals filed under Order 36 Rule 9 of Original Side Rules
read with Clause 15 of the Letters Patent Act, against the Order
and Decretal Order dated 14.08.2009 passed in O.A.Nos.464, 465
of 2009 in C.S.No.395 of 2009.

For Appellants .. Ms.Gladys Daniel

For Respondent .. Mr.Arun C. Mohan

* * * * *

J U D G M E N T

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

It is agreed that the appeals be disposed of in the
following terms:

- i) The interim arrangement made by the learned Single Judge would continue to operate during the pendency of the suit.
- ii) The written statement will be filed by the respondents/defendants within two weeks.
- iii) Replication may be filed within two weeks thereafter.
- iv) The matter will be listed for framing of issues, disposal of application filed by the defendant for revocation of leave on 1st November, 2016 before the learned single Judge.
- v) It is informed that there is an earlier suit pending in C.S.No.416 of 2004 between the plaintiff and the sister concern of the respondent. In the said suit, issues have already been framed. The said suit also be listed for direction before the learned Single Judge on the same date.

2. If both suits goes for trial, then the learned single Judge may examine the appointment of a retired judicial Officer as Local Commissioner to record evidence with costs shared by both the parties so as to have an early completion of trial, keeping in mind the already heavy board of the Masters of this Court.

3. The Original Side Appeals are accordingly disposed of, leaving the parties to bear their own costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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

+1 cc to M/s.Gladys Daniel, advocate,sr.52440

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krd 26/9

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