

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR
CIVIL MISCELLANEOUS APPEAL No. 391 of 2016

ORDER :

Aggrieved by an order dated 12.04.2016 passed in I.A. No.457 of 2016 in O.S. No.48 of 2016 on the file of the XXVII Additional Chief Judge, City Civil Court, Secunderabad, the present C.M.A. is filed.

2. The first respondent/plaintiff herein filed O.S. No.48 of 2016 to declare the letter of termination dated 15.06.2015 as illegal and also to restrain the defendants from determining the contract till letter of intent and RFP are in force. Pending the said O.S., the plaintiff filed I.A. No.457 of 2016 under Section 8 of Arbitration and Conciliation Act (for short "the Act") mainly contending that the Civil Court has no jurisdiction in view of Section 8 of the Act. By an order dated 12.04.2016 the learned XXVII Additional Chief Judge, City Civil Court, Secunderbad, granted *ad interim* injunction restraining the respondents, his agents and men from interfering with the day to day conduct of the petitioner services in the respondents premises. The matter was directed to be called on 22.04.2016. A counter came to be filed to the said I.A. on 26.04.2016 denying the averments made in the affidavit filed in support of the I.A. and for dismissal of the said I.A. But however the said I.A. was posted to 07.06.2016.

3. Sri L.Ravi Chander, learned Senior Counsel for the appellant submits that in view of the fact that matter was adjourned to 07.06.2016 the present appeal is filed before this Hon'ble Court. By an order dated 05.05.2016 this Hon'ble Court in C.M.A.M.P.No.763 of 2016 suspended the interim order granted by the trial court till 12.05.2016, on which day the respondent was directed to file his counter and also for deciding the appeal on merits. A Counter came to be filed by the respondents denying the averments made in the grounds of appeal.

4. Though various grounds are raised by both the

parties, the material placed before this Court would show that subsequent to the order dated 12.04.2016, the appellant herein filed an application for vacate/dismissal of the order passed in I.A. But, however the matter was adjourned to 07.06.2016.

5. Sri P.Venugopal, learned Senior counsel for the respondent submits that having filed an application to vacate the interim order, the appellant could not have moved this Court by way of filing an appeal against the impugned order.

6. Having regard to the facts and circumstances of the case, both the counsel undertake to argue the I.A. itself, if the same is taken up for hearing by the trial court, but, however plead that a direction may be given to the trial court to take up the matter for hearing in the next week itself having regard to the urgency involved. Without going into the merits of the case and having regard to the undertaking given by both the counsel, the present C.M.A. is disposed of directing both the parties to advance their arguments in I.A. No.457 of 2016 before the Court of XXVII Additional Chief Judge, City Civil Court, Secunderabad on 17.05.2016. Further, the said Court is hereby directed to hear the matter on day to day basis and dispose of the same in accordance with law uninfluenced by the observations if any made by this Court in the order dated 05.05.2016. The interim order passed by this Court on 05.05.2016 in C.M.A.M.P. No. 763 of 2016 is extended till 23.05.2016. If for some reason, the said I.A. could not be disposed of by 23.05.2016, both the parties are at liberty to approach the said court itself for appropriate orders.

7. Miscellaneous petitions pending if any in this C.M.A. shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date:12.05.2016
Rns/Ka