

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

L.P.A. No.4 of 2016

JUDGMENT: *(per Hon'ble Sri Justice V. Ramasubramanian)*

This Letters Patent Appeal is filed purportedly under Clause 15 of the Letters Patent, questioning the correctness of an interim order of suspension granted by a learned single Judge of this court, pending a regular appeal arising out of a decree for injunction granted in a suit for infringement of trade mark.

2. Heard Sri M.S.Srinivasa Iyengar, learned counsel for appellant.

3. The appellant herein filed a suit in OS No.105 of 2003 on the file of the I Additional Chief Judge, City Civil Court, Secunderabad, praying for grant of a decree of permanent injunction restraining the defendants in the suit from committing infringement of the trade mark of which the appellant claimed to be the proprietor. By a judgment and decree dated 08.10.2014, the trial court decreed the suit and granted a decree for permanent injunction.

4. Aggrieved by the said judgment and decree, the defendants in the suit filed a regular first appeal in CCCA No.45 of 2015 along with an application in CCCA MP No.159 of 2015 for interim suspension of the decree for permanent injunction. The said miscellaneous petition was taken up by a learned single Judge, who, by an order dated 28.07.2015 granted interim stay of operation of the judgment and decree of the trial court pending disposal of the regular appeal. As against the said order passed after contest, the plaintiff has come up with this Letters Patent Appeal purportedly under Clause 15 of the Letters Patent.

5. However, the present appeal is not maintainable in view of Section 100-A CPC inserted by Act 22 of 2002. Section 100-A makes it clear that no further appeal shall lie from the judgment and decree of a single Judge, delivered on the appellant side. This is not withstanding anything contained in Letters Patent of any court.

6. Therefore, the appeal is dismissed as not maintainable. Pending miscellaneous applications if any, in this appeal shall stand closed.

V.RAMASUBRAMANIAN, J

A. SHANKAR NARAYANA, J

Date: 17.06.2016
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