

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2011 OF 2016
IN
FIRST APPEAL NO. 486 OF 2015

M/s. F2 Fun & Fitness (India) Pvt. Ltd. ..Applicants/Appellants
vs.
M/s. Bijapure Fitness Centre
Pvt. Ltd. & Ors. ..Respondents

Mr. Rohan Rajadhyaksha with Bijal Mehta i/b. Deven Dwarkadas & Partners for Applicants / Appellants.
Mr. V. P. Sawant with P. Jadhav for Respondent Nos. 2 to 5.

CORAM : M. S. SONAK, J.
DATE: 14 FEBRUARY 2017

P.C :

- 1] Mr. Rajadhyaksha, learned counsel who appears for the applicants / appellants tenders an additional affidavit in support of this civil application.
- 2] Mr. Sawant, learned counsel appearing for respondent nos. 2 to 5 states that the respondents do not admit any of the averments in the affidavit but are ready to proceed on the basis of denials.
- 3] By this civil application, the applicants / appellants seeks the following reliefs pending hearing and disposal of the appeal :

“a. that pending the Appeal, it be declared that the acts of the Respondents in displaying the boards of Applicants are illegal, malafied and bad in law even after the termination notice has been issued by the Applicant;

b. that the Applicants be granted temporary injunction restraining the Respondents jointly and severally, their servants, agent and persons claiming through or under them

from displaying logos and displays of the Applicants;
c . that pending the Appeal, the Respondent Nos. 2 and 3 be restrained from holding out as Sub-Franchisee of the Applicants anywhere in the world in general;
d . For ad-interim reliefs in terms of prayer clauses (a) to (c) be granted;
e . For costs of this Civil Application;
f . For such further and other reliefs as this Hon'ble Court deems fit and proper in the facts and circumstance of this matter and in the interest of justice."

3] Admittedly, the display of boards or logos was continuing during the pendency of S.C. Suit No. 2284 of 2011 instituted by the applicants / appellants. Interim reliefs pending the suit were denied to the applicants / appellants. Ultimately, by judgment and decree dated 29 January 2013, the suit has also been dismissed. At the stage of admission of the appeal, the applicants / appellants did not even deem it fit to seek any interim reliefs. In the impugned judgment and decree, the learned trial Judge has held that the termination of the franchisee agreement was not legal and proper. Whether such finding is right or not is a matter which will have to be decided at the stage of final hearing of the appeal. However, at this stage, there is no case made out for grant of any interim reliefs. Accordingly, civil application is dismissed.