

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2017

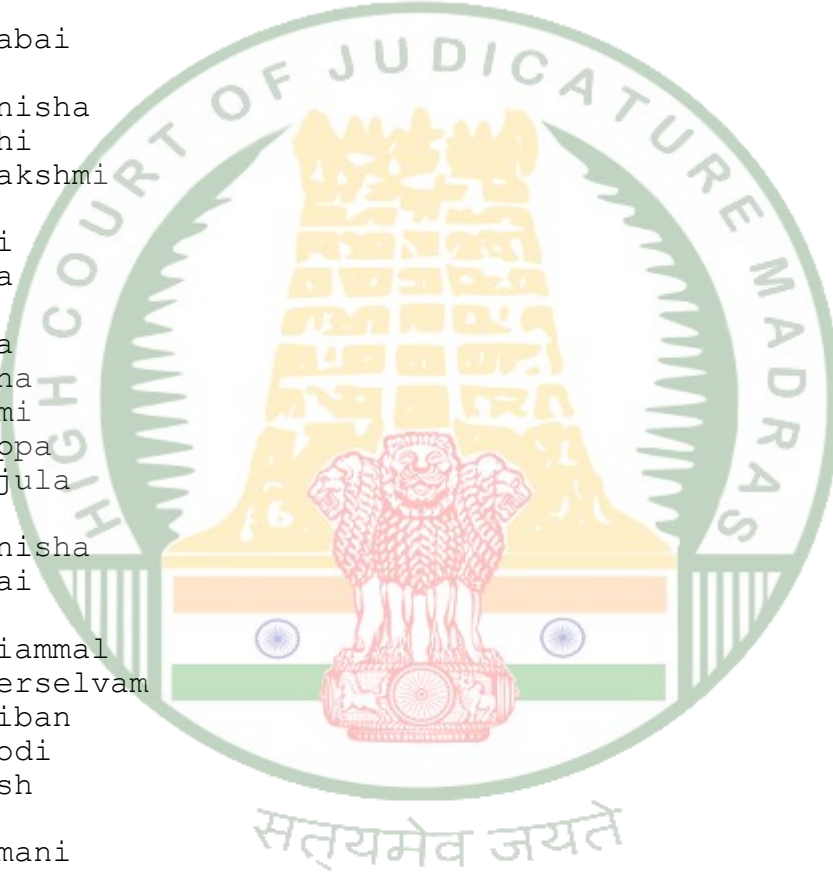
CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

C.M.A.No.2774 of 2017 and

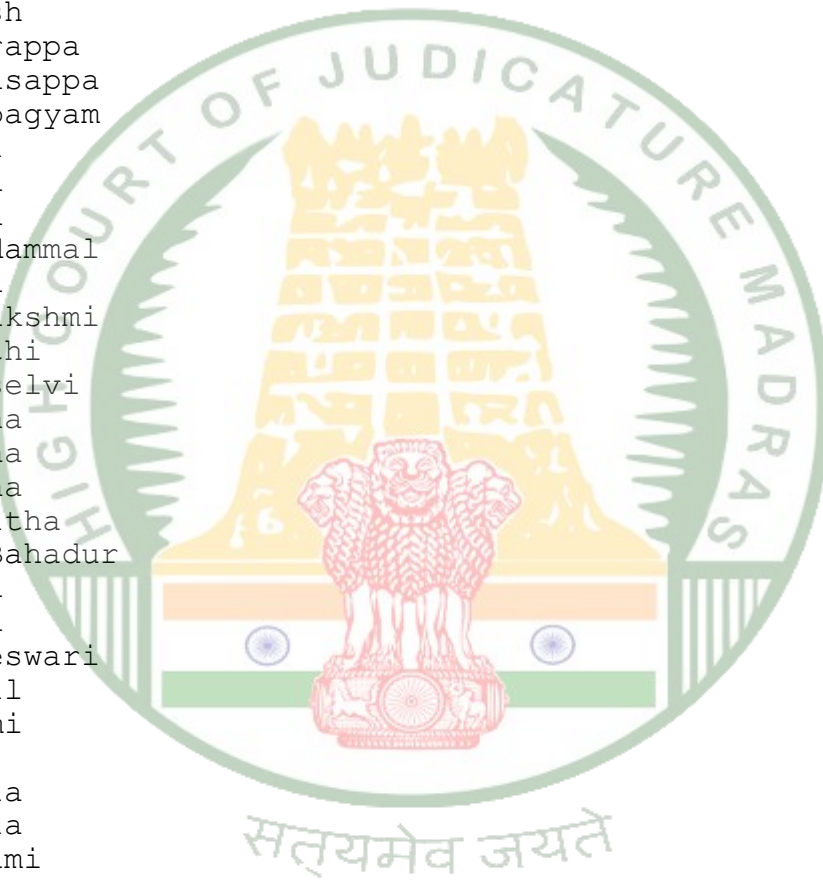
C.M.P.No.15828 of 2017

1. Anumamma
2. A. Anusuyabai
3. S. Aruna
4. A. Bargatnisha
5. G. Bharathi
6. S. Dhanalakshmi
7. S. Eswar
8. V. Indrani
9. S. Jayamma
10. V. Kala
11. N. Kamala
12. C. Kavitha
13. M. Lakshmi
14. C. Lingappa
15. S. M. Manjula
16. N. Mary
17. A. Moidunisha
18. P. Nagubai
19. C. Neela
20. T. Palaniammal
21. M. Panneerselvam
22. M. Parthiban
23. A. Poongodi
24. R. Prakash
25. M. Radha
26. R. Radhamani
27. A. Rama
28. V. Rani
29. A. Regina
30. B. Renuka
31. G. Savithri
32. B. Savithri
33. P. Selvi
34. S. Selvi
35. B. Shivaprakash
36. C. Sulochana
37. N. Sundaravalli
38. P. Suriyakanth
39. D. Sweety



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40.S.Usha
41.C.Vasanthi
42.K.Vasuki
43.V.Vennila
44.R.Vijaya
45.P.Yasodha
46.V.Gajalakshmi
47.N.Kuppamma
48.M.Nagaswamy
49.N.Narasamma
50.Nirmala Mary
51.M.Yellamma
52.K.Amaresh
53.M.Chandrappa
54.Chennabasappa
55.T.Dhanabagym
56.G.Gandhi
57.S.Geetha
58.D.Girija
59.R.Govindammal
60.C.Jamuna
61.U.Jayalakshmi
62.K.Jayanthi
63.K.Kalaiselvi
64.D.Kalpna
65.R.Kavitha
66.S.Kavitha
67.S.K.Kavitha
68.Kishan Bahadur
69.M.Kokila
70.V.Kokila
71.R.Komaleswari
72.P.Senthil
73.M.Lakshmi
74.S.Magi
75.K.Manjula
76.V.Manjula
77.A.Sivagami
78.M.Muninanjappa
79.S.Murugan
80.N.Narasimha Murthy
81.G.Padma
82.P.Prabhavathi
83.K.Prameela
84.S.Punitha
85.S.Rajeswari
86.N.Ramadevi
87.K.Rani
88.R.Rathna
89.R.Ravi
90.E.S.Ragina



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91.S.Renuka
92.M.Sashidhar
93.K.Selvi
94.R.Shakthi
95.N.Sakunthala
96.P.Shrankumar Briadar
97.M.Sidramappa
98.M.Sudha
99.J.Usha
100.M.Vanitha
101.A.Vasantha
102.M.Vasanthi
103.R.Venu
104.T.Vijaya
105.Y.Yugiya
106.P.Visalakshi
107.L.Yasodha
108.M.Gowramma
109.A.Latha
110.P.Manjula
111.P.Muniammal
112.G.Pradeep
113.M.Rathnamma
114.R.Sangeetha
115.B.Santosh
116.M.Savithri
117.K.Shoba
118.R.Sunanda
119.S.Tamilselvi

Vs.

M/s.Micro Labs Limited,
rep by its Authorized Signatory,
Plot No.92, SIPCOT Industrial Complex,
Hosur.

.... Appellants

.. Respondent

Appeal filed Order 43 Rule 1 of the Civil Procedure Code against the petition and order in ex-parte ad interim injunction granted by Sub Court, Hosur in I.A.No.494 of 2017 in O.S.No.259 of 2017 on 10.08.2017.

For Appellants : Mr.K.Sudakaikannu
for M/s.S.Latha

JUDGMENT

Challenging the interim injunction granted by the Subordinate Judge, Hosur in I.A.No.494 of 2017 in O.S.No.259 of 2017, the defendants have filed the above Appeal.

2.The respondent/plaintiff filed the suit in O.S.No.259 of 2017 for declaration and permanent injunction. In the said suit,

the plaintiff also filed an application in I.A.No.494 of 2017 praying for interim injunction. The trial Court, by order dated 10.08.2017, granted an order of interim injunction till 30.08.2017 and directed the plaintiff to take notice to the defendants. Against this order, the defendants have filed the Appeal.

3.Though the application in I.A.No.494 of 2017 has not yet been decided finally by the trial Court, the defendants have filed the appeal under Order 43 Rule 1 of the Civil Procedure Code.

4.Under Order 43 Rule 1(r) of the Civil Procedure Code, only if an application filed under Order 39 Rules 1 & 2 of the Civil Procedure Code is decided finally, an appeal is maintainable. Since the trial Court has not decided the application finally, the Appeal preferred by the defendants cannot be entertained.

5.The learned counsel appearing for the appellants submitted that the defendants have filed their counter and the application is posted for enquiry on 10.10.2017. Further, the learned counsel submitted that in view of the interim injunction granted by the trial Court, the defendants are put to hardship and prejudice.

6.In view of the submissions made by the learned counsel for the appellants, without expressing any opinion with regard to the merits of the case, I direct the Subordinate Judge, Hosur to decide the application in I.A.No.494 of 2017 in O.S.No.259 of 2017 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7.With this observation, the Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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ASSISTANT REGISTRAR
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SUB-ASSISTANT REGISTRAR

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To

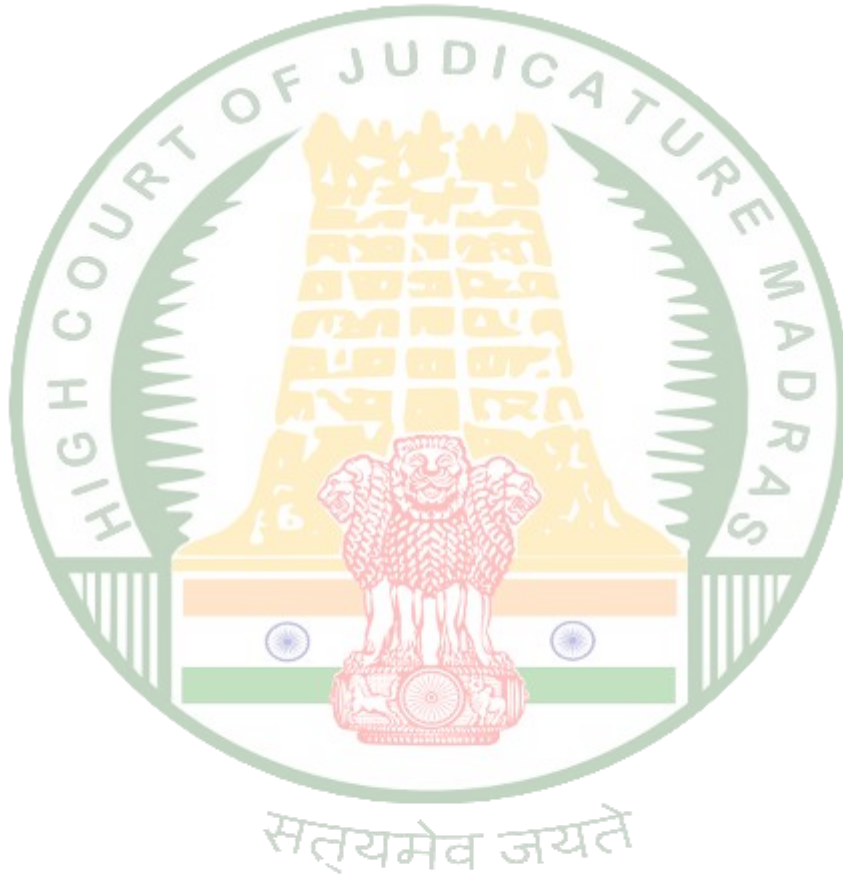
1.The Subordinate Judge,
Hosur.

2. The Section Officer
VR Section, High Court, Madras.

+1 CC to Mr.SUDALAIKANNU, Advocate Sr.No.71615

C.M.A.No.2774 of 2017 and
C.M.P.No.15828 of 2017

MG (CO)
NR 22/11/2017



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