

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2017

CORAM

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.PD.No.3736 of 2017
and
CMP.No.17374 of 2017

Jayanthi

... Petitioner

Vs.

1. R.Kasthuri

2. Feroz Khan

3. M/s. India Yamaha Motors Pvt Ltd.,
Represented by its State Head,
8, Tower I, TVH Baliciaa, MRC Nagar,
Raja Annamalaipuram,
Chennai-28

... Respondents

Prayer :

Civil Revision Petition is filed under Article 227 of the Constitution of India, as against the Order dated 10.07.2017 in I.A.No.439 of 2017 in O.S.No.76 of 2017 on the file of the learned District Munsif, Tiruvarur and prays to set aside the same.

For Petitioner : Mr.M.V.Venkataseshan

ORDER

According to the petitioner, the first respondent herein filed a suit in O.S.No.76 of 2017 for permanent injunction restraining the defendants from starting up a new agency either dealership or sub-dealership for Yamaha Vehicles in Tiruvarur Town and Taluk defeating the rights of the plaintiff. Further, an application in IA.No.439 of 2017 seeking temporary injunction restraining the defendants from starting up a new agency either dealership or sub-dealership for Yamaha Vehicles within Tiruvarur Town and Taluk defeating the rights of the plaintiff till the disposal of the suit, in which the court below ordered an interim status quo as prayed for. According to the petitioner, the husband of the petitioner is running business from 05.06.2017 as direct dealer of third respondent. The said suit was filed on 07.07.2017 and the order order interim status quo was passed on 10.07.2017. On 04.08.2017, the petitioner entered appearance and filed a memo for dismissing the said interlocutory application for non joinder and misjoinder of proper and necessary parties. The matter was adjourned to 23.08.2017 and the petitioner filed another memo on

23.08.2017. After the matter was heard, posted for orders on 14.09.2017 by the trial court. Without considering the objection of the petitioner, the said application has been adjourned from time to time without any proper reasons. Therefore, the petitioner has filed the present Civil Revision Petition before this Court for the aforesaid prayer.

2. The learned counsel for the petitioner would submit that without considering the grounds raised by the petitioner as well as the statements made by the learned counsel for the petitioner, the lower court has ordered to maintain status quo by both parties and posted on 04.08.2017.

3. On perusal of the records, without considering the memo filed the revisional petitioner / the second defendant, the matter has been adjourned by the court below. Admittedly, the petitioner has not filed counter statement before the court below and only memo of objection has been filed and the learned counsel for the petitioner undertakes to file counter statement on 12.10.2017.

4. In view of the undertaking, if the revisional petitioner / the second defendant files counter statement on 12.10.2017 (i.e. the next hearing date posted by the trial court), thereafter the trial court is directed to dispose of the said interlocutory application as expeditiously as possible preferably within a period of ten days from the date of receipt of a copy of this Order, after giving an opportunity to the respondent to file reply affidavit.

5. The Civil Revision Petition is disposed of with above directions. Consequently, the miscellaneous petition is closed. No costs.

05.10.2017

Speaking/Non-speaking order

Index :Yes/No

Internet : Yes/No

(Note: Issue order copy on 09.10.2017)

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To

The learned District Munsif,
The District Munsif Court,
Tiruvarur



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D. KRISHNAKUMAR J.

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