

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2017

CORAM :

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble MR.JUSTICE M.SUNDAR

**O.S.A.Nos.66 and 67 of 2017
and C.M.P.Nos.5155 and 5156 of 2017**

K.Venkatachary
Managing Director,
'New Narayana Pearls',
Velacherry, Chennai-600042. .. Appellant in both OSAs.

-VS-

Narayana Pearls Gems & Jewels
Rep. By its Proprietor,
K.V.Narayana. .. Respondents in both OSAs.

Appeal filed under Order XXXVI Rule 9 OS Rules r/w Clause 15 of
Letters Patent against the order dated 11.08.2015 made in
O.A.Nos.844 and 845 of 2014 in C.S.No.681 of 2014 on the file of
original side of this Court.

For Appellant : Mr.M.R.Sheik Abdul Rahim

For Respondent : Mr.S.Kasirajan

* * * * *

J U D G M E N T

(Judgment of the Court was delivered by Mr.T.S.Sivagnanam, J.)

These Original Side Appeals have been filed by the respondent in O.A.Nos.844 and 845 of 2014 in C.S.No.681 of 2014.

2.Before examining the merits of the matter, we found that the appeals have been preferred against a common order dated 11.08.2015 in O.A.Nos.844 and 845 of 2014. On a perusal of the said order, we find that it is an order extending the interim order already granted, until further orders. Thus, we find that the applications have not yet been finally disposed of by the learned Single Judge and the impugned order in these appeals will not be an order falling within the definition under Clause 15 of the Letters Patent, qua an intra-Court appeal, particularly, as the respondent (appellant before us) had not appeared before the learned Single Judge on the said date, i.e., 11.08.2015. We were also informed in the hearing by learned counsel on both sides that the position before the learned Single Judge has not since changed and the aforesaid applications are pending even today.

3. Therefore, the proper course to be adopted by the appellant is to seek for vacating/modifying the order by contesting the matter before the learned Single Judge, as we find from the typed set of papers that already a counter-affidavit has been filed and pleadings are complete in the applications.

4. Thus, we close these appeals giving liberty to the appellant to pursue the applications, as aforesaid, before the learned Single Judge. No costs. Consequently, C.M.P.Nos.5155 and 5156 of 2017 are also closed.

(T.S.S., J.) (M.S., J.)

10.08.2017

Index : Yes/No
Website : Yes/No

sra

To

The Sub Assistant Registrar
Original Side, Madras High Court,
Chennai.

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T.S.Sivagnanam, J.
and
M.Sundar, J.

(sra)



O.S.A.Nos.66 and 67 of 2017

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