

Original Application No.174 of 2018
in O.P.No.16 of 2018

M.M.SUNDRESH,J.

This Original Application has been filed seeking an order of interim injunction to restrain the respondent from carrying on the sandwich business within 3 miles or 5 kilometre radius of any location where a SUBWAY R restaurant operates or being operated in the prior year or in the alternative pay and/or deposit a sum of Rs.5,50,000/- and gross sales of 8% per shop operated within the 3 miles or 5 kilometre radius of any location where a SUBWAY R restaurant operates or operated in the prior year as per clause 8(g) of the Franchise Agreement and dis-identify himself with the SUBWAY R Franchise and to cease and desist from using the SUBWAY R trade marks in any form whatsoever, pending enforcement of the Arbitral Award.

2. Placing reliance upon Clause 16 of the Award, which is in favour of the applicant coupled with the fact the said award has not been challenged by the respondent, this Court was pleased to grant an order of interim injunction on 27.02.2018.

M.M.SUNDRESH,J.

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3. The matter was posted on the last hearing i.e. on 27.02.2018 after service of the notice on the respondent. Despite the name has been printed in the cause list, the respondent did not choose to appear before this Court. However, a final opportunity was given and hence, the matter stands posted today.

4. Even today, there is no representation for the respondent. Therefore, the interim order already granted is made absolute and O.A.No.174 of 2018 in O.P.No.16 of 2018 stands ordered.

04.04.2018

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**O.A.174 of 2018
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