

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice T.Amarnath Goud

C.M.A.No.698 of 2018

Date: 24.10.2018

Between:

M/s.Spark Engineers, rep. by its Sole Proprietrix
Mrs.Sunita Ashok Pataskar,
Pune

... **Appellant**

and

M/s.Blue Sea Exports rep. by its Sole Proprietrix
Mrs.Asha Gupta,
Hyderabad

... **Respondent**

**Counsel for the Appellant : Mr.D.Prakash Reddy,
Sr.Counsel
for Mr.Bajrang Singh Thakur**

Counsel for the Respondent : Mr.Yogesh Kumar Heroor

The Court made the following:

Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Civil Miscellaneous Appeal (CMA) is filed by the respondent in Arbitration OP.No.623 of 2016 whereunder the learned X Additional Chief Judge, City Civil Court at Hyderabad, granted injunction restraining the respondents and its group of Companies or their agents claiming through them from selling or marketing its equipment in SAARC countries and Bangladesh (except India and Nepal).

At the hearing, Mr.D.Prakash Reddy, learned Senior Counsel for the appellant, submitted that there is a serious dispute regarding the existence of Ex.P.1- Sales Exclusivity Agreement, dated 02.07.2013, based on which the respondent has filed the Arbitration OP. He, however, submitted that the said aspect is the subject matter of an application filed by the respondent under Section 11 of the Arbitration and Conciliation Act, 1996, before the Hon'ble The Chief Justice of this Court and that the same is reserved for passing an order. He further submitted that without prejudice to the appellant's contention raised in the said Application, the order under Appeal rendered itself ineffective with the expiry of the period of agreement under Ex.P.1 on 01-07-2018.

Mr.Yogesh Kumar Heroor, learned Counsel for the respondent, fairly conceded the submission of the learned Senior

Counsel for the Appellant that the period of agreement had expired on 01-07-2018 and that dehors the said agreement, the respondent has no right to claim injunction as granted by the lower Court.

In the light of the above submissions of the learned Counsel for the parties, the CMA is disposed of by declaring that the order under Appeal rendered itself ineffective with effect from 01.07.2018, the date on which the duration of Ex.P.1- agreement had expired. This declaration, however, is without prejudice to the respective stands taken by both parties in the Arbitration Application stated to have been pending before the Hon'ble The Chief Justice.

As a sequel to disposal of the CMA, IA.No.1 of 2018, filed for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 24th October, 2018
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