

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

and

The Hon'ble Sri Justice T.Amarnath Goud

Civil Miscellaneous Appeal No.879 of 2018

Date: 27.08.2018

Between:

M/s.Satish Jai & Films
rep. by Gajula Satish, S/o. Sri Lakshmaiah,
Gajularamaram, Jeedimetla, Hyderabad

...

Appellant

And

M/s.Shree Krishna Creations
Rep. by Gowri Krishna Prasad
Gajularamaram, Jeedimetla, Hyderabad

...

Respondent

Counsel for the Appellant : Mr.P.Rajesh Babu

The Court made the following:



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

Civil Miscellaneous Appeal No.879 of 2018 (for short 'the Appeal') is filed against Order, dated 23-08-2018, in IA.No.1010 of 2018 in OS.No.947 of 2018 on the file of the XIII Additional District and Sessions Judge –cum- Commercial Court, Ranga Reddy District at L.B.Nagar, Hyderabad (for short 'the Court below').

When we have queried with the learned Counsel for the appellant as to whether this is a commercial litigation, he has submitted that as the value of the suit is below Rs.1 Crore, the same was not treated as commercial suit and instead, was assigned the number of a original suit.

A perusal of the order under Appeal shows that the same is *ad interim* in nature. We, however, find that the said order does not contain any reasons for dispensing with the notice as envisaged under the Proviso to Rule 3 of Order XXXIX CPC.

Be that as it may. The necessity for us to judge the validity or otherwise of the order challenged in this Appeal is obviated for the simple reason that the injunction only

restrained the appellant from releasing the movie concerned on 24-08-2018.

Mr.P.Rajesh Babu, learned Counsel for the appellant, submitted that so far, the order of injunction has not been communicated to the appellant and that in the absence of knowledge of such injunction order and its communication, the appellant could release the movie on 24-08-2018 in 350 centers. The learned Counsel further submitted that till today, the certified copy applied for by the appellant has not been furnished by the Court below.

Inasmuch as the impugned order of injunction was confined to releasing the movie concerned on 24-08-2018 and on the own showing of the learned Counsel for the appellant, the said movie was released, as scheduled, on 24.08.2018, the said order outlived its purpose. Hence, there is no need for us to adjudicate the Appeal on merits.

The appeal is, accordingly, disposed of as infructuous, however, without prejudice to the right of the appellant to contest the IA as well as the suit before the Court below.

As a sequel to disposal of the Appeal, IA.No.2 of 2018,
filed by the appellant for interim relief, is disposed of as
infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 27th August, 2018

Note:
Furnish CC by tomorrow.
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