

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

O.S.A.No. 129 of 2019
and
C.M.P.No.11359 of 2019

Thodu Needa Telugu Matrimony
Rep. by its Proprietor
Venkat Reddy Patiolla
6-1-338/12, 2nd Floor,
Beside Saibaba Temple
Padmarao Nagar
Secunderabad. ... Appellant

Vs.

M/s. Matrimony.Com Limited,
No. 94, TVH Beliciaa Towers
Tower-2, 10th Floor
MRC Nagar, Mandaveli
Chennai - 600 028
Rep. by its General Manager
Legal Regulatory Mr.S.Ravichandran ... Respondent

Prayer: Original Side Appeal filed under Order XXXVI Rule 1 of
O.S.Rules read with Clause 15 of Letters Patent against the
Judgment and Decree passed in C.S.No. 634 of 2018 dated
02.01.2019 passed by the learned Single Judge of this Court.

For Appellant : Mr. S.Parthasarathy

For Respondent : Ms Durga V. Bhatt
for Arun C Mohan

J U D G M E N T

(Delivered by DR.VINEET KOTHARI, J)

The appellant Thodu Needa Telugu Matrimony has filed the
present Appeal aggrieved by the ex-parte decree dated 02.01.2019
passed by the learned Single Judge in C.S.No. 634 of 2018, by
which a decree in favour of the plaintiff/ respondent-
matrimony.com ltd., awarding damages of Rs.10/- lakhs for

alleged infringement and passing off Trademark and Domain Names was passed by the learned Single Judge.

2. The learned counsel for the appellant submitted that the appellant had engaged Advocates M/s.S.Rama Sharma and P.Padma, from Hyderabad to defend the suit here in Chennai, but since the vakalat filed by them was found to be defective it was returned by the Registry. It was submitted that the said Advocates did not take any steps either inform to the appellant or to defend the suit in appropriate manner and hence, an ex-parte decree was passed by the learned Single Judge of this Court. He submitted that in compliance with the interim order of this Court dated 04.06.2019, a sum of Rs.5/- lakhs i.e., 50% of the decreetal sum, has already been deposited by the appellant in the Registry of this Court.

3. The learned counsel for the respondent has supported the impugned order and opposed the submissions made by the learned counsel for the appellant and submitted that after the vakalat of the said counsels engaged from Hyderabad had been returned, the name of the party was printed in the cause list and despite that they had chosen not to appear before the Court and to defend the suit and hence, the ex-parte decree was rightly passed by the learned Single Judge.

4. Having heard the learned counsels appearing for the parties and upon perusal of the records and in view of the reasons assigned by the learned counsel for the appellant and he has also submitted that the appellant is taking steps to proceed against the aforesaid lawyers engaged from Hyderabad under the provisions of the Advocates' Act with the Bar Council of India, we are inclined to set aside the ex-parte order of the learned Single Judge dated 02.01.2019 and restore the suit for trial afresh in accordance with law. The amount of Rs.5/- lakhs deposited by the appellant in pursuance of the interim order dated 04.06.2019 shall remain deposited and shall abide by the final decree of the Court in the aforesaid Civil Suit in C.S.No. 634 of 2018. With these observations, the Appeal is disposed of. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

vsg

To

1. The Joint Registrar (O.S.), High Court, Madras

2. The Assistant Registrar (O.S.I.), High Court, Madras

3. The Assistant Registrar (O.S.II.), High Court, Madras

4. The Section Officer,
Original Side, High Court, Madras

5. The Record Keeper, Original Side Records,
High Court, Madras.

+1cc to Mr.S.Parthasarathy, Advocate SR.No.61081

+1cc to Mr.Arun C Mohan, Advocate SR.No.62425

O.S.A.No. 129 of 2019
and
C.M.P.No.11359 of 2019

SSV(CO)
GMY(09/10/2019)



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