

O.A.Nos.211 and 212 of 2020

in

C.S.No.148 of 2020

C.V.KARTHIKEYAN,J.,

Registry may delete A.No.1346 of 2020 since It has already been ordered on 05.06.2020.

2. The learned counsels had raised a doubt regarding orders in application seeking permission under Order 2 Rule 2 C.P.C. That application is A.No.1345 of 2020 which has also been ordered on 05.06.2020. Registry may delete A.No.1345 of 2020 from the cause list.

3. Insofar as O.A.No.211 of 2020 is concerned, it is stated that as against the order of this Court, an Original Suit Appeal had been filed and further directions have been given and it is further stated that such directions/compliances have been complied with and there is nothing further to adjudicate in O.A.No.211 of 2020.

4.Registry may delete O.A.No.211 of 2020 also from the cause list.

5. Insofar as O.A.No.212 of 2020 is concerned, that is application regarding demurrage/detention charges and issues in that, will have to be decided during the course of trial and evidence is required and as a matter of fact, the said application will have to be merged with the pleadings of the plaint and plaintiff will have to make out a case for grant of injunction in O.A.No.212 of 2020. While leading the evidence on the averments in the plaint, the plaintiff may also lead evidence in O.A.No.212 of 2020 and similarly, the defendant may lead evidence to disprove the claim for injunction in O.A.No.212 of 2020.

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6. The learned counsel for the defendant had filed a common counter O.A.No.211 of 2020 and O.A.No.212 of 2020. An additional copy of the counter may be forwarded so that the same may be tagged along with O.A.No.212 of 2020.

7. The learned counsel for the defendants also stated that the Division Bench had granted liberty to file a counter claim and granted time for filing counter claim.

8. List the matter once again on 24.09.2020. The suit and O.A.No.212 of 2020 alone to be listed on that date.

03.09.2020
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