

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2020

Coram

The Hon'ble Mr. Justice **M.M.SUNDRESH**
and
The Hon'ble Mr. Justice **D.KRISHNAKUMAR**
Cont. P. No.1019 of 2019

- 1.Puma Sports India Pvt. Ltd.,
No.509, CMH Road, Indira Nagar,
Bengaluru0560 038.
- 2.PUMA SE,
PumaWay 1, 91074 Herzogenaurach,
Germany. ..Petitioners
- Vs.
- 1.Quintessential Designs India Pvt., Ltd.,
Rep., by its CEO Syed Layak Ali,
5th Floor, Status Quo, 38, Sterling Road,
Nungambakkam, Chennai-600 034.
- 2.QD Seatoman Designs Pvt., Ltd.,
Rep., by its Director Syed Layak Ali,
5th Floor, Status Quo, 38, Sterling Road,
Nungambakkam, Chennai-600 034. .. Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, 1971 for having committed contempt of the orders of this Court dated 18.02.2016 passed by this Court in OSA No.235 of 2015.

For Petitioners : Mr.Chinmoy Pradip Sharma for
Mr.AR.Ramanathan

For respondents : Mr.Nithyesh & Vaibhav

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

This petition has been filed by the petitioner inter alia alleging that the order passed by this Court dated 18.02.2016 in O.S.A.No.235 of 2015 on agreed terms, which is inclusive of early disposal of the suit with the co-operation of both sides, being violated.

2.The learned counsel for the petitioners submitted that the common order passed by this Court on 18.02.2016 in O.S.A.Nos.215 of 2015 etc., batch, has been violated by the contemnor by raising the very same issue on the subsequent date. Resultantly, the undertaking given before the Division Bench for the speedy disposal of the suit within a specified time was breached.

3.The learned counsel for the contemnor submitted that subsequently

orders have been passed by the learned single Judge on various dates viz.,

10.12.2019, 24.01.2020, 05.03.2020. 13.07.2020 and 29.07.2020. Orders were also passed on the memo filed by the petitioners though belatedly, as against two of the orders passed on 24.01.2020 and 05.03.2020 in C.S.No.215 of 2015, the petitioners have approached the Apex Court by filing Special Leave to appeal(C) Nos.9571-9572 of 2020, wherein the following order has been passed.

“Learned counsel for the petitioner seeks permission to withdraw these special leave petitions permission is granted. The Special Leave Petitions are dismissed as withdrawn.”

4. Similarly, as against the order dated 29.07.2020 in C.S.No.215 of 2015, Special Leave to appeal(C) Nos.9173 of 2020 has been filed, wherein the Apex Court has passed the following interim order.

“Issue notice. Dasti, in addition, is permitted.

In the meantime, the sealed envelope filed by the petitioner shall not be opened.”

Thus, the learned counsel appearing for the contemnor submitted that nothing survives in this petition and in any case, there is no willful disobedience of the order passed.

5.The learned counsel appearing for the petitioners submitted that this Court has to see non compliance of the order passed by this Court at the relevant point of time. Therefore, subsequent events are not expected to be taken into consideration. Hence, the respondents will have to be hauled out for contempt.

6.While passing series of the orders, the learned single Judge of this Court has considered the objections raised by the petitioners. The petitioners have also filed a memo, though belatedly. Some of the orders made were also put into challenge. As noted, the Special Leave Appeal(C) No.9173 of 2020 filed as against the order dated 29.07.2020 in C.S.No.215 of 2015 is still pending consideration. Thus, we are not in a position to accept the submission made by the learned counsel for the petitioner that this Court will have to consider the deliberate non compliance on the part of the contemnor at the relevant point of time, which has been taken note of while passing orders on merit and upon hearing both sides.

7.Looking from any perspective, we do not find any wilful disobedience of the order. The matter is pending before the Apex Court and

therefore, even now the proceedings are kept in abeyance. Thus, considering the above, we do not find any reason to haul the respondents for wilful disobedience of the order passed. Accordingly, the contempt petition stands closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

raa

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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