

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(NPD) No.247 of 2018
and C.M.P.No.1402 of 2018

M/s.Sundaram Industries Limited,
Rep. by its Senior Manager,
Legal & Authorized representative
S.Habibullah,
S/o.Late Md.Abdullah,
No.180, Anna Salai,
Chennai - 600 006.

... Petitioner

Vs

1.M/s.Natsyn Rubber Recycling Private Limited,
Rep. by its Director Kavivannan,
S/o.Sundaram,
No.24/13, Jansi Rani Street,
Maraimalai Nagar, Chennai 603 209.

2.S.Kavivannan

3.S.Sandeep Kumar Panda

4.S.Hemavathi

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, against the Judgment and Decree of the Principal District Judge, Kancheepuram District at Chengalpattu dated 21.08.2017 made in C.M.A.No.7 of 2015 reversing the fair and decreetal order of the Principal Subordinate Judge, Chengalpattu made in I.A.No.365 of 2015 in O.S.No.91 of 2015 dated 28.07.2015.

For Petitioner : M/s.Norton and Grant

For Respondents : Mr.S.Ravikumar for R1
R4 - Not Ready in Notice
R2 and R3 - Notice Served

ORDER

This Civil Revision Petition is filed against the Judgment and Decree of the learned Principal District Judge, Kancheepuram District at Chengalpattu dated 21.08.2017 made in C.M.A.No.7 of 2015 reversing the fair and decreetal order of the learned Principal Subordinate Judge, Chengalpattu made in I.A.No.365 of 2015 in O.S.No.91 of 2015, thereby granted interim injunction.

2. The petitioner is the plaintiff and the respondents are the defendants in the said suit. The petitioner / plaintiff filed the said suit for permanent injunction restraining the defendants, their agents, servants, representatives or any one else claiming on behalf of them from carrying on business of manufacturing, marketing, selling, distributing, servicing or in any manner associating with the manufacture and supply of Devulcanized Rubber Compound or Crumb to any person using the technology and / or process adopted and used by the plaintiff / petitioner and / or which is similar, duplicated or identical thereto.

3. The petitioner also filed the application for interim injunction and the Court below granted an order of interim injunction on 28.07.2015. Aggrieved by the same, the respondents filed the Civil Miscellaneous Appeal before the Principal District Court, Kancheepuram District at Chengalpattu as against the order of interim injunction. The 1st Appellate Court set aside the interim injunction order and dismissed the application for interim injunction for the reason that the respondents have made out a *prima facie* case by allowing C.M.A.No.7 of 2015 by Judgment dated 21.08.2017.

4. This Court is of the considered opinion that the First Appellate Court ought not to have gone into the merits of the said suit. Therefore, the respondents are directed to maintain *status-quo* till the disposal of the main suit. The Trial Court is directed to dispose the suit, within a period of **three months** from the date of receipt of a copy of this order.

5. Accordingly, this Civil Revision Petition is disposed of. Consequently, the connected miscellaneous petition is closed. No order as to costs.

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
rna

07.07.2021

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To

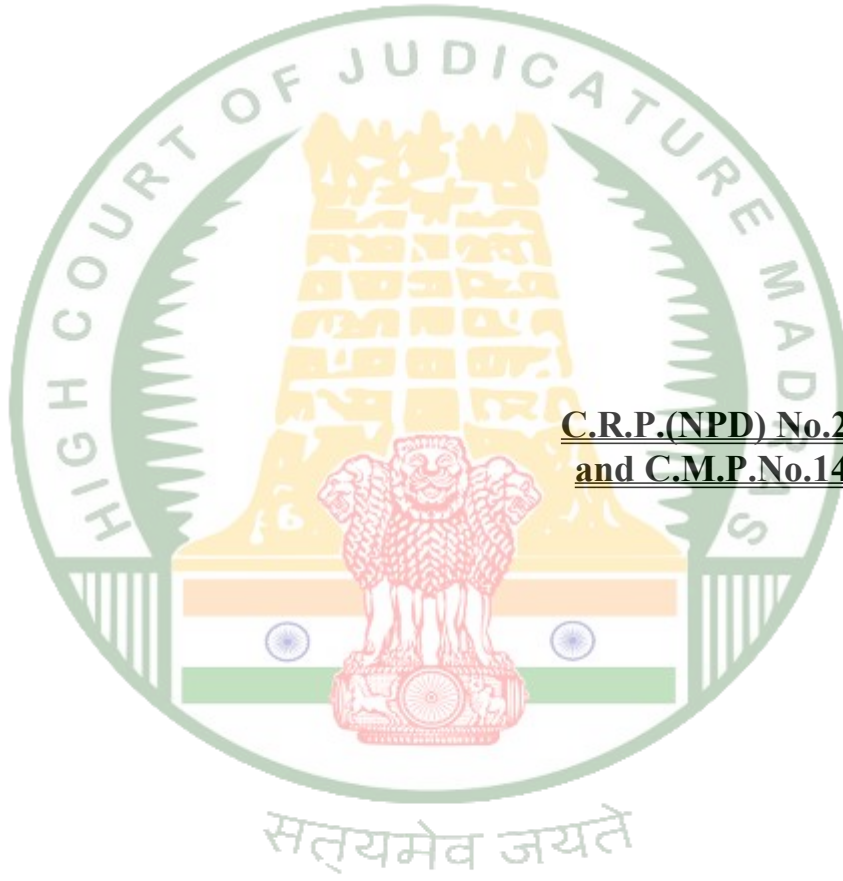
- 1.The Principal District Judge,
Kancheepuram District,
Chengalpattu.
- 2.The Principal Subordinate Judge,
Chengalpattu.



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G.K.ILANTHIRAIYAN. J,

rna



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