



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)

Tuesday, the Sixteenth day of November Two Thousand Twenty One

PRESENT

THE HON'BLE MR.JUSTICE S.S.SUNDAR

CMP.No.14127 of 2021

IN AS.NO.288 of 2021

K.NARAYANAN

[PETITIONER/APPELLANT]

Vs

1 TMT.DEVAKUMARI LYDIA, [RESPONDENTS/RESPONDENTS]
W/O LATE M.Y.MITHIRAN,
PROPRIETRIX, SHREE SHREE INDANE GAS SERVICE,
NOS.2/321A AND 3/321B, AMMUR ROAD,
MALLIGAPURAM, NO:66, MANTHANGAL VILLAGE,
RANIPET-632 402,
VELLORE DISTRICT

2 THE DEPUTY GENERAL MANGER (LPG-S),
CHENNAI AREA OFFIE, INDIAN OIL
CORPORATION LIMITED, MARKETING DIVISION
NO.500, ANNA SALAI, TEYNAMPET,
CHENNAI 600 018

3 Y.ALWIN FREDRICK

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of interim injunction restraining the respondents 1 and 2 from in any way transferring the LPG distributorship namely 'M/s. Shree Shree Indane Gas Service' situated at Door Nos.2/321-A and 2-321-B, Ammur road, Mallikapuram, Manthangal, Village, Vellore District either to the 3rd respondent or in the name of third parties (in CMP.No.14127/2021) pending disposal of this AS.NO.288/2021

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.N.MANOCHARAN, Advocate for the petitioner and of M/S.S.P.ARTHI, Advocate for the 1 and 3 Respondents and of M/S.GOUTHAM VENKATESH, Advocate for the 2nd Respondent, the court made the following order:-



(1)The present Civil Miscellaneous Petition is filed by the petitioner/appellant/plaintiff for grant of an order of interim injunction restraining respondents 1 and 2 from in any transferring the LPG Distributorship namely, M/s.Shree Shree Indane Gas Service situate at Door Nos.2/321-A and 2/321-B, Ammur Road, Mallikapuram, Manthangal Village, Vellore District, either to the 3rd respondent or in the name of any third person pending disposal of this Appeal Suit.

(2)Brief facts that are necessary for disposal of this Miscellaneous Petition are as follows:-

(3)The petitioner/appellant is the plaintiff in the suit in OS.No.4271/2018 on the file of the learned VI Additional Judge, City Civil Court, Chennai.

(4)He has filed the present Appeal Suit as against the disallowed portion of the prayer which is sought for in the suit. From the reading of the plaint, one of the prayers in the suit filed by the petitioner/appellant/plaintiff is for mandatory injunction, directing THE 2nd defendant to revoke the Distributorship Agreement of the 1st defendant dated 26.04.2010 as amended by a letter dated 16.10.2017.

(5)It appears that the averments in the plaint indicate that the suit was for recovery of the amount due to the petitioner/appellant/plaintiff on the basis of a Memorandum of Understanding. It is stated that the petitioner/appellant/plaintiff has invested fairly a large sum in the establishment of the 1st defendant who was appointed as a LPG Indane Gas Distributor. Though the petitioner/appellant/plaintiff was granted a decree for the amount, which according to him, was advanced to the 1st defendant, the grievance of the petitioner/appellant/plaintiff is that he is also entitled to a share in the profits of the business carried on by the 1st defendant and therefore, he has filed the present Appeal Suit.

(6)During the pendency of this Appeal Suit, the above Civil Miscellaneous Petition is filed for the aforesaid interim relief.

(7)From the second portion of the prayer in the suit itself, it is seen that the intention of the petitioner/appellant/plaintiff to revoke the Distributorship Agreement entered into by the 1st defendant, was to stall the very business of the 1st defendant.

(8)This Court is unable to find any bona fides in the present petition wherein the petitioner/appellant/plaintiff wants to protect the Dealership Agreement and the Distributorship that was given to the 1st defendant. When the petitioner/appellant/plaintiff is not interested in the business and seeks revocation of the License in the suit, this Court cannot grant any relief of injunction which would go contrary to the spirit of the prayer, which he had sought for in the suit.



(9) For want of bona fides, this Court is unable to exercise its discretion.

(10) In the result, this Civil Miscellaneous Petition stands dismissed. Post the main Appeal Suit in the usual course.

-sd/-

16/11/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE VI ADDITIONAL JUDGE
CITY CIVIL COURT, CHENNAI

C.C. to M/S.N.MANOCHARAN, Advocate SR.NO.6615/2021

C.C. to M/S.S.P.ARTHI, Advocate SR.NO.6573/2021

Order

in
CMP.No.14127 of 2021

IN AS.NO.288 of 2021

Date :16/11/2021

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