



CRP(PD)Nos.1231 and 1233 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

CRP(PD)Nos.1231 and 1233 of 2022
and C.M.P.Nos.6615 and 6622 of 2022

V.Venkatapathy, ... Petitioner in C.R.P.No.1231 of 2022

V.Vasanthakumar, ...Petitioner in C.R.P.No.1233 of 2022

Vs.

1.V. Radhakrishnan

2.R.Krishnaveni

3.V.Muthammal

4.M.Neelavathi

5.M/s.Safvolt Switchgears Private, Limited

Rep by Managing Director,

G.Vijayakumar

D.No.7/174, Vellanaipatty Village,

Kalapatty Via

Annur Taluk, Coimbatore District.

6.M/s.Sharp Liqtech,

Rep by its Partner

G.Velumani Babu

Door No.2/79 Naduthottam

Mailampatty,

Coimbatore District.

7.M/s.Sharp Liqtech



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Rep by its Partner V.Rajesh,
Door No.2/79 Naduthottam
Mailampatty, Coimbatore District.

8.M/s.Poongothai Textile Mills,
Rep by its Authorised Signatory
P.Tamilselvan
S.No.13/2 West Palladam Road
P. Vadugapalayam
Palladam Taluk , Tiruppur District.

9.M/s.Allied Foundry,
Rep by its Partner
R.sathishkumar
S.No.51/C, Arasur Foundry Park
Coimbatore, Coimbatore District.

10. M/s.MJP Enterprises Private Limited
Rep By its Fulltime Director
Door No.19D/1, S.No.7/2 Kovilpalayam
S.S.Kulam Town Panchayat
Coimbatore - 641 107
Coimbatore District.

11.M/s.Bright Foundries Coimbatore Private Limited
Rep by its Managing Director S.Balraj
S.No.281/1, Kattampatty Village,
Sathy Road Ganesapuram,
Coimbatore District.

12.M/s.Ferromax Foundries India Private Limited
Rep by its Managing Director
R.Satishkumar
Door No.95/A1, Gluesta Park-1
Arasur, Coimbatore,
Coimbatore District.



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13.M/s.Shri Santhosh Meenakshi Textiles Private Limited
Rep by its Managing Director
U.Santoshkumar
Door No.15 Sethurama Kandaresa Iyer Layout
Trichy Road
Coimbatore,
Coimbatore District.

14.M/s Prema Engineering,
Rep by its Proprietrix Mrs.K.S.Nirmala
Door No.737/1 Thottiapalayam Road
Civil Aerodrome Post,
Coimbatore, Coimbatore District.

... Respondents in both C.R.Ps

COMMON PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to aside the Docket order dated 24.02.2022 in I.A.No.1 of 2022 in O.S.Nos.101 and 102 of 2022 on the file of the III Additional District Judge Dharapuram.

For Petitioner
in both C.R.P's : Mr.K.Selvaraj

COMMON ORDER

These two Civil Revision Petitions arise out of two separate Interlocutory Applications, both numbered as I.A.No.1 of 2022 in two separate Suits in O.S.Nos.101 of 2022 and O.S.No.102 of 2022. The defendants are the same, as indicated, the plaintiffs have taken out separate application for an order of



interim injunction. The trial Court has rejected an ex-parte order of interim injunction but has gone elaborately and rather meticulously into the facts and circumstances and has literally entered a finding that there is no *prima facie* case nor is there a balance of convenience for grant of interim injunction, and it has also ordered notice to defendants on these two applications.

2.Learned counsel for the revision petitioners submitted that the Court needs to record the existence of the triple criteria for grant of injunction if it orders an ex-parte order of injunction and not when it chooses not to grant an exparte order of injunction. Entering a finding such as the one the learned trial Judge has ended for denying an exparte order of injunction literally wipes away the very right to seek an interim order once the defendant appears.

3.This Court finds that the learned trial Judge appears to have made a statement on the entitlement of the plaintiff to obtain an order of interim injunction one stage too early. To whom an irreparable injury will be caused depends on the nature of case which the defendants may come forward with. Inasmuch as the defendants have not even entered appearance, it is premature



on the part of the learned trial Judge to have entered a finding such as that.

4. Therefore, this Court does not intend to interfere with the decision of the learned trial Judge not to grant an ex parte order of injunction, but is told that he will not let himself be influenced by the findings that he has now entered and he ought to wait till the defendants enter appearance.

5. These Civil Revision Petitions stand disposed of accordingly at the admission stage itself. This Court is informed that the defendants have entered appearance. The trial Court is now required to dispose of the injunction applications after hearing both the sides and dispose of the same within a period of one (1) month, at any rate not later than June 2022. Consequently, the connected miscellaneous petitions are closed. No costs.

21.04.2022

kas/dk

To :
The III Additional District Judge,
Dharapuram.



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N.SESHASAYEE, J.

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