



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.M.A(MD)Nos.438 to 440 of 2022

and

C.M.P(MD) .Nos.3902 to 3904 of 2022

Sikkandar Syed Kathar : Appellant in all C.M.As/
4th Respondent/ 4th Respondent

.vs.

1.ASPT. Balakrishnan :1st Respondent in all C.M.As/
Petitioner/Plaintiff

2.M/s.Zinc Foods Private Limited,
Represented by its Director,
3/127-D-1, Swamy Nagar,
Salem Road,
Namakkal-637 001.

3.M/s.Arnica Enterprises Private Limited,
Represented by its Director,
First Floor,
Harini Complex,
Perundurai Road,
Thindal Medu,
Erode-638 012.

4.The Tamil Nadu Civil Supplies Corporation Ltd.,
Rep.by its Managing Director,
No.12, Thambusamy Road,
Kilpauk,
Chennai 600 010.

...Respondents 2 to 4 in all C.M.As/
Respondents 1 to 3/Defendants 1 to 3

COMMON PRAYER: Civil Miscellaneous Appeal filed under Order 43 Rule 1(r) of the Civil Procedure Code, to set aside the order granting ad-interim injunction dated 20.04.2022 made in I.A.Nos.1, 2 and 3 of 2022 in O.S.No.156 of 2022 on the file of the learned Principal District Judge, Dindigul by allowing this Civil Miscellaneous Appeal.



For Appellant
(In all Cases)
For Respondents
(In all Cases)

:Mr.N.Shanmuga Selvan
:M/s.Lakshmi Gopinath

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COMMON JUDGMENT

The fourth defendant/appellant in the suit in O.S.No.156 of 2020 has filed these Civil Miscellaneous Appeals.

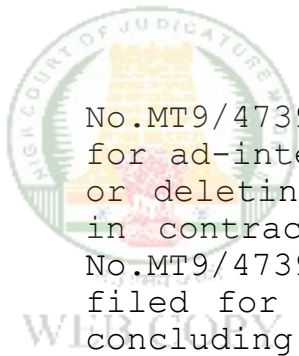
2. After hearing the learned counsel for the appellant and the learned counsel for the respondents, I find that there a contract between the defendants 1, 2 with the third defendant/Civil Supply Corporation. Based upon that, there is a specific contract between the defendants 1 and 2. Several allegations were made by the fourth defendant against the plaintiff to prevent the special contract that would be terminated. At the influence of the fourth defendant, the suit has been filed for injunction and also for ad-interim injunction. **(*) The contract between the 1st and the 2nd defendant is about to be terminated due to ulterior motive and in connivance of defendants.**

3. The Principal District Judge, Dindigul, has passed the order that there is a *prima facie* case and the third respondent is not only a public sector and further in view of the apprehension expressed by the plaintiff, the balance of inconvenience and irreparable injury were considered by the Principal District Judge and ad-interim injunction was granted and notice was ordered to the defendants.

3(b).After receipt of the notice, the fourth defendant has preferred these appeals. The respondents/defendants drew my attention to the agreement, terms and conditions entered between the parties and also relied upon the conditions therein. The relation between the parties as stated supra is not in dispute.

3(c).An interim injunction was ordered as against the respondents 1 to 4 and the fourth respondent is the appellant herein. After taking into consideration the terms and conditions of the contract between the defendants 1 and 2 with the third defendant and the sub contract between the plaintiff and the defendants 1 and 2. The interim injunction order was sought for against the respondents 1 to 4 till the disposal of the application.

3(d). Another I.A has been filed to grant an order of ad-interim injunction from taking any action/proceedings to terminate any contract including the contract executed among the respondents 1 to 3, for all the locations covered under the proceedings



No.MT9/47397/2019, dated 07.01.2020. Another application v ed for ad-interim injunction restraining the respondents from modifying or deleting the method of operation and transportation as detailed in contract as awarded for the entire religions vide proceedings No.MT9/47397/2019 dated 07.01.2020. The another application was filed for permanent injunction by restraining the respondents from concluding any proceedings in any manner towards appointment of any new transport contractor for any locations covered under the proceedings No.MT9/47397/2019 dated 07.01.2020 issued by the third defendant.

4. The main contention raised by the appellant counsel on terms and conditions, can be gone into, only after filing of the counter affidavit by the defendants as such, the recording of reasons by the Principal District Judge that *prima facie* case is made out, need not to be interfered with. **(*)It is open to the appellant/fourth defendant to file necessary counter affidavit before the trial Court as early as possible and on such filing, the trial Court shall dispose of the applications within a period of three weeks from the date of filing of the counter affidavit. It is herein made clear that it is open to the Defendant to file any applications as he be so advised as per law, on such event, the trial Court/learned Principal District Judge, Dindigul shall dealt with the same in accordance with law, without being influenced by the time limitation fixed in this case."**

5. With the above observations, these Civil Miscellaneous Appeals are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

**(*)Corrected as per order of this
Hon'ble Court dated 27.06.2022
made in CMP(MD)Nos.4774, 4775 & 4777 of 2022
in CMA(MD)Nos.438 to 440 of 2022**

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

tta



To

**(*)To be Substituted the order already despatched
on 27.05.2022**

The Principal District Judge,
Dindigul.

+2 CC to M/s.SHANMUGASELVAN, Advocate (SR-28398[F]
dated 28/06/2022)

C.M.A(MD)Nos.438 to 440 of 2022

and

C.M.P(MD) .Nos.3902 to 3904 of 2022

27.04.2022

RK(19/05/2022) 4P 3C

TP(CO)

GC(01.07.2022) 4P 4C