



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Ninth day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CMP(MD) No.8578 of 2021
IN
AS(MD) No.251 of 2021

SUBBURAMAN

... PETITIONER/PETITIONER

Vs

MOHAMED ABU BACKER

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue an order of stay of the judgement and decree dated 08.09.2020 made in O.S.No 95 of 2017 on the file of the Principal District judge, Madurai till the disposal of the appeal.

Prayer in AS(MD) . 251/ 2021 :

To set aside the judgment and decree in O.S.No. 95 of 2017 on the file of the Principal District Court, Madurai dated 08.09.2020 by allowing this appeal and thus render justice.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.J.R.ANNIE ABINAYA, Advocate for the petitioner, the court made the following order:-

The appellant is the defendant and this petition is filed to stay the operation of the decree granted in favour of the plaintiff.

2.The respondent/plaintiff has filed a suit for permanent injunction restraining the defendant from infringing his registered trade mark "Naaz" and consequential reliefs.

3.The learned trial Judge decreed the suit only in respect of the prayer for injunction alone. Aggrieved over that, the petitioner/appellant/defendant has preferred this appeal and filed the present Civil Miscellaneous Petition for staying the operation of the decree.

4.Since staying of operation of the decree would amount to allowing the very appeal itself, this Court is not inclined to grant



an order of stay. Hence, it is appropriate for the parties to co-operate with the Court and conduct the main appeal itself.

5. In view of the above observations, this Civil Miscellaneous Petition is closed.

WEB COPY

sd/-
09/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE PRINCIPAL DISTRICT JUDGE,
MADURAI.

ORDER
IN
CMP(MD) No.8578 of 2021
IN
AS(MD) No.251 of 2021
Date :09/03/2022

RS/SBN/SAR.4(16.03.2022) 2P-2C