



Original Application No.134 of 2022

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in C.S. (Comm.) No.43 of 2022

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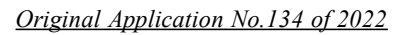
KRISHNAN RAMASAMY, J.

The above suit was filed for recovery of money.

2. The present Application has been filed for an order of interim injunction restraining the first respondent from assigning/ encumbering the patent of "Energy Generation Concept for Power Supply" on its grant, pending in patent Application No.4711/CHE/2015, to third parties, pending disposal of the above suit.

3. The learned counsel for the applicant submits that the applicant has given a sum of Rs.40,00,000/- by way of demand draft and a sum of Rs.1,23,00,000/- by way of cash to the first respondent. This amount was paid since the fourth respondent insisted payment to the first respondent for binding him with the applicant's project, since the first respondent claimed to have several offers from other consultants. However, after receipt of money from the applicant, the first respondent has not done anything for the project. Hence, he seeks for an order of injunction against the first respondent.

4. Per contra, Mr.T.Mohan, learned Senior Counsel appearing for the respondents would submit that the applicant has paid a sum of Rs.40,00,000/- only for the purpose of development of the project. Further, it



5. Heard Mr.R.Subramanian, learned counsel appearing for the
and Mr.T.Mohan, learned Senior Counsel for Mr.R.Anishkumar,
or respondent Nos.1 to 4 and perused the materials available on

6. When this Court put a question that documentary evidence with regard to the payment and purpose for which, they have made the payment, the learned counsel for the applicant submitted that he has no document or no contract was entered into between them.



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7. On perusal of the records, it reveals that no document has been signed between the parties to establish that a sum of Rs.40,00,000/- was paid and the same was to be refunded.

8. For the above reason that no document has been produced before this Court to prove the transaction, the applicant has not made out any *prima facie* case for granting interim injunction. Hence, this Court is not inclined to grant interim injunction, this application is liable to be dismissed. Accordingly, the same is dismissed.

06.02.2023

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