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Civil Miscellaneous Petition Nos.10921 & 10923 of 2023
in S.A.No.360 of 2023

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SENTHILKUMAR RAMAMOORTHY. J.

These two miscellaneous petitions are filed in a second appeal arising out of the order of the first appellate Court affirming the rejection of the plaint filed by the petitioner.

2. In CMP No.10921 of 2023, the petitioner seeks a stay of the operation of the judgment and decree dated 03.01.2023 in A.S.No.51 of 2022. By the decree in A.S.No.51 of 2022, the appeal was dismissed. As such, no useful purpose is served by considering a petition for stay of the decree, dismissing an appeal. Consequently, CMP No.10921 of 2023 is dismissed.

3. Turning to CMP No.10923 of 2023, this petition is for an interim injunction to restrain the fourth respondent from judging dog shows or acting as a breed judge. Learned counsel for the petitioner contends that she is not duly qualified to judge dog shows. He further submits that the first respondent has not established her eligibility to



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judge dog shows even in the counter.

4. Learned Senior Counsel appearing for the first respondent opposes this petition on multiple grounds. The first ground is that this was the first relief prayed for in the suit. By the order passed in the application filed under Section 8 of the Arbitration and Conciliation Act, 1996, the Court held that this relief is arbitrable. He further submits that the fourth respondent has judged dog shows from 2019 and has judged more than 100 dog shows.

5. At this juncture, the plaint stands rejected and there is an order in force holding that reliefs 1,3,4,5 and 8 are arbitrable. Relief 1 admittedly pertains to the validity of the appointment of the fourth respondent as a breed judge. When the said issue has been held to be arbitrable and such order remains in force as on date, the petition for an interim injunction to restrain the fourth respondent from functioning as a judge for dog shows cannot be countenanced. Consequently, CMP No.10923 of 2023 is dismissed by leaving it open to the petitioner to file a petition for similar relief in case the pending second appeal is allowed.



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