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CRP (PD) No.1516 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P (PD) No.1516 of 2023

Tirumala Milk Products Private Limited
New No:75/8, Old No:1418/2B,
200 Feet Ring Road, Tirumalai Nagar Extension,
Pooniammanmedu, Chennai-600 110,
Rep. By its Manager (Legal), S.Mukunth

..Petitioner

vs

1.Tirumlaa Daaity Limited,
Rep. By its Director Suresh Dnyanobarao Kute
S.No.406 & 407, at Nimbhore
Post Surwadi Taluka
Phaltan Satara, Satara,
Maharashtra-415 523.

2.Tirumalaa Fresh Daaity Farms Pvt. Ltd.,
Rep. By its Director Archana Suresh Kute
S.No.406 & 407, at Nimbhore
Post Surwadi Taluka
Phaltan Satara, Satara,
Maharashtra-415 523.

3.Suresh Dnyanobarao Kute
Director
4.Archana Suresh Kute
Director

.. Respondents



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Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India pleased to pass appropriate orders expedite the Trial in O.S.No.73 of 2022 and dispose the connected Interlocutory applications pending on the file of the Learned Principal District Judge, Tiruvallur.

For Petitioner : Mr.P.V.Balasubramaniam,
Senior Counsel for
Mr.G.Abraham Prabhu

ORDER

As no adverse orders are to be passed against the respondents, this Civil Revision Petition is to be disposed of at the time of admission.

2. The Civil Revision Petition has been filed by the petitioner to direct the Principal District Court Judge, Tiruvallur, to dispose of O.S.No.73 of 2022 and connected I.A.Nos.4 and 5 of 2022 for injunction and I.A.Nos.9, 10 and 11 of 2023 for amendment under Order VI Rule 9 of C.P.C.



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3. The petitioners have originally filed C.S.No.190 of 2020 before this Court seeking relief of infringement and passing off by the respondents and had also secured interim order dated 21.08.2020 in O.A.Nos.330 and 331 of 2020. While the suit was pending, the respondents filed A.No.181 of 2021 to reject the plaint on the ground of territorial jurisdiction. On 09.04.2021, the said application was allowed observing that the plaint has to be returned to re-present it before the appropriate Court . The above order was appealed before the Division Bench of this Court in O.S.A.(CAD)Nos.97, 111, 5 and 4 of 2021. The Division Bench of this Court vide order dated 31.01.2022 dismissed O.S.A.(CAD)Nos.97 and 111 of 2021 and disposed of O.S.A(CAD)Nos.5 & 4 of 2021 with the observation that on re-presentation of the plaint before the proper Court, the applications in O.A.Nos.330 & 331 of 2020 would stand revived before that Court and would have to be decided afresh following the procedure on merits and in accordance with law. Pursuant to the above direction, the returned plaint was re-presented before the Principal District Munsif Court, Tiruvallur and the same has been numbered as O.S.No.73 of 2022 and I.A.Nos.4 and 5 have been filed for interim injunction.



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4. Subsequently, the Trial Judge had directed the petitioners herein to file a petition seeking amendment of cause title of respondents instead of conducting enquiry I.A.Nos.4 & 5 of 2022 and directed the petitioners filed petition to amend the cause title in the plaint and in I.A.Nos.4 and 5 of 2022 and the same has been re-numbered as I.A.Nos.9 to 11 o 2023 respectively.

5. Considering the above, there shall be a direction to the Principal District Judge, Tiruvallur, to dispose of I.A.Nos.9 to 11 of 2022 in O.S.No.73 of 2022 within a period of 30 days from the date of receipt of a copy of this order as it is pursuant to the memo filed by the respondent on 23.11.2022 and also dispose I.A.Nos.4 and 5 of 2022 within a period of 30 days thereafter.

6. This Civil Revision Petition is disposed of with the observations.



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No costs.

05.05.2023

Index : Yes/No

Internet : Yes/No

Speaking : Non Speaking Order
kkd/kal

To

The Principal District Judge,
Tiruvallur.

C.SARAVANAN.J



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