



A.No.411 of 2024
in
C.S.(Comm Div) No.283 of 2023

P.VELMURUGAN, J.,

This application has been filed by the applicant/plaintiff to appoint an Advocate Commissioner to visit the premise, the Clinic at Salem, morefully described in the schedule which is under the possession of the respondents/defendants where the copyright protected materials, client data, “ONE HAIR PRO” machineries and proprietary manuals of procedure as provided by the applicant for the work relating to Hair and Skin treatment, Solutions and Services are stored and seize and handover the same before this Court.

2. Learned counsel for the applicant/plaintiff submitted that the applicant and the third respondent have entered into a Franchisees agreement. ownership of the machineries is vested with the applicant/plaintiff. Some of the machineries which are belonging to the applicant have been kept in the respondent's premises. Still the respondents are using the same even after termination of the Franchise agreement. Therefore, in order to ascertain the physical position as well as the present condition of the schedule mentioned machineries, appointment of Advocate Commissioner is absolutely necessary.



WEB COPY

3. Learned counsel for the respondents 1, 3 to 7 submitted that the respondents have purchased the machineries from the applicant. The applicant is not the owner of the machineries. Once the franchisee agreement is terminated, as the owner of the machineries, the respondents are entitled to the same. Hence, there is no necessity to appoint an Advocate Commissioner. The application is liable to be dismissed.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Admittedly, applicant and the respondents have entered into franchisee agreement and the same was terminated on 13.09.2023. Entitlement of the machineries can be decided only after trial, not at this stage.

6. Under the above facts and circumstances of this case, this Court finds that appointment of an Advocate Commissioner is necessary.

Mr.Soundarajan, Enrl.No.MS.No.2140/2013, (Mobile No. 9677111592) having office at No.20/21, Khan Street, Choolai Medu, Chennai-94, is appointed as Advocate Commissioner on the following directions:



WEB COPY

(a) The learned Advocate Commissioner is directed to issue notice to both the parties and fix a “date” of his/her inspection.

(b) Both the parties are directed to extend their fullest co-operation to the learned Advocate Commissioner.

(c) The remuneration for the learned Advocate Commissioner is fixed at Rs.1,00,000/- (Rupees One Lakh only), which is to be paid by the applicant/plaintiff.

(d) Advocate Commissioner is directed to issue notice to both the parties and inspect the respondent premises and find out the availability of the machineries and inventory stock verification. He is also directed to find out the conditions and present status of the machineries.

(e) The learned Advocate Commissioner is directed to complete the inspection and file his/her report on or before 10th June 2024.

7. With the above directions, the application is allowed.

8. Registry is directed to issue warrant to the Advocate Commissioner.

9. List the matter on 11th June 2024.

24.04.2024
(2/2)

mfa



WEB COPY



P.VELMURUGAN, J.,

mfa

A.No.411 of 2024
in
C.S.(Comm Div) No.283 of 2023

24.04.2024