



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2024

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

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A. 6394 of 2024

and

A. 8162 OF 2018,OA. 730 OF 2018,OA. 728 OF 2018,OA. 729 OF 2018,CS. 508 OF 2018

MR T N JANARTHANAN M/S.NAMMA VEETU KALYANAM
CATERING

48, K.C, GARDEN, 4TH STREET, PERAVALLUR, CHENNAI, 600 082
TAMILNADU, INDIA 48, K.C, GARDEN, 4TH STREET,
PERAVALLUR, CHENNAI, TAMILNADU, INDIA

APPLICANT(S)

Vs

N VENKATESAN, PROPRIETOR M/S.NAMMA VEETTU KALYANAM
OLD NO.53/9, NEW NO.51, SOUNDHARYA COLONY, 7TH AVENUE,
ANNA NAGAR WEST EXTENSION, CHENNAI 600 101, TAMIL
NADU, INDIA. 48, K.C, GARDEN, 4TH STREET, PERAVALLUR,
CHENNAI, TAMILNADU, INDIA

RESPONDENT(S)

For Applicant(s): Mr.RAMESH GANAPATHY

For Respondent(s): Mr.Rajesh Ramanathan

ORDER

This application has been filed to grant leave of this Court and to condone the delay of 1861 days in filing this review application against the common order passed in O.A.Nos.728 to 730 of 2018 and A.No.8162 of 2008 in the above civil suit dated 17.09.2016.

2. The reasons assigned in the applications to condone such huge delay is that the review application ought to have filed on 25.11.2019, however, due to negligence and error



committed by his previous counsel, the applicant should not be allowed to. The applicant was only recently put on record and discovered the Court copy of the review application. Therefore, seeks to condone the delay.

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3. In the suit filed for permanent injunction and damages for infringement and passing off the trademarks, applications in O.A.Nos.728 to 730 of 2018 were filed. In those applications, this Court granted temporary injunction. As the counter was not filed for several hearings, this Court made the interim order absolute. Thereafter, the suit has been posted for trial. At this stage, this application has been filed.

4. The reasons assigned in this application is nothing but lame excuse to condone such huge delay. When the party is aware of the interim order operating against him, making callous allegations against the counsel of his negligence without any substance has no legs to stand before this Court. Having appeared before the Court and suffered interim order, party must be vigilant in watching proceedings, as a matter of right, he cannot just throw allegations against the erstwhile counsel. Hence, I do not find any materials to convince myself to condone such huge delay. Further, it is also to be noted that the trial is already over and the matter is posted for arguments for both sides. Such being a position, without showing any interest to argue the

<https://www.madras.hc.in/judicial> matter, there will no purpose in re-opening the interim applications. If the



petitioner/defendant is able to prove his case, it goes without saying any interim orders



goes automatically.

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5. Such view of the matter, it is for the petitioner to argue the main suit and establish his right. Accordingly, this application stands dismissed.

09-12-2024

dhk



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N.SATHISH



, J.

dhk

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