



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 30.07.2025	PRONOUNCED ON 07.10.2025
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CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

O.A.Nos.24, 25, 26 of 2024
and A.Nos.245 & 246 of 2024 &
A.No.2708 of 2025
in C.S.No.8 of 2024

O.A.No.24 of 2024

C.M.Goyal

... Applicant

vs.

Suraj Goyal

... Respondents

For Applicant : Mr.Bijesh Thomas

For Respondent : Mr.P.R.Raman,
Senior Counsel for
Mr.C.Seethapathy for RR1, 2 & 5 in all Applns

Mr.Sundar Narayan for R7 in all Applns

A.No.2708 of 2025

For Applicant : Mr.P.R.Raman,
Senior Counsel for
Mr.C.Seethapathy

For Respondent : Mr.Bijesh Thomas for R1



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Mr.Sundar Narayan for R7
COMMON ORDER

The Original Application in O.A.No.24 of 2024 had been filed to grant an order of ad interim injunction restraining the 1st respondent/defendant No.1 or any person claiming under or through him from preventing the applicants/plaintiffs access to his office space in the application schedule property pending disposal of the Suit.

2.The Original Application in O.A.No.25 of 2024 had been filed to grant an order of ad interim injunction restraining the 1st respondent or any person claiming under or through him from alienating and/or otherwise creating any encumbrance over the application schedule property pending disposal of the suit.

3.The Original Application in O.A.No.26 of 2024 had been filed to grant an order of ad interim injunction restraining the 1st respondent/defendant or any person claiming through or under him from operating the cash credit A/c No.800130110000031 in the 2nd respondent/3rd defendant or cash credit account No.8747262118 in the 3rd respondent/ 4th defendant or in any other bank in the name of “Syndicate Electronics” with its address at Old No.9, New



No.10, Krishnappa Chetty Street, Chintadripet, Chennai – 600 002 without the express prior written consent of the applicant/plaintiff pending disposal of the suit.

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4.The Application in A.No.245 of 2024 had been filed to grant leave to the applicant/plaintiff to sue respondent/defendant Nos.1,2,5 and 7 regarding the use by respondent/defendant Nos.1,2 & 5 of the deceptively similar name “Conjap Electronics Private Limited” as that of the applicant/plaintiff's business “Conjap Electronic Industries” to deceive/cause monetary loss of the applicant/plaintiff as well for violation of the copyright and trademark statutes.

5.The Application in A.No.246 of 2024 had been filed to grant leave under Order II Rule 4 of CPC to the applicant/plaintiff to sue for relief in respect of the immovable property, namely the application schedule property herein along with the other reliefs as sought for in the accompanying plaint.

6. The Application in A.No.2708 of 2025 had been filed to direct the plaintiff to specify which cause of action is to be proceeded with in C.S.No.8 of 2024.



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7. Heard Mr. Bijesh Thomas, learned counsel appearing for the applicant, Mr. P. S. Raman, learned Senior Counsel appearing for Mr. C. Seethapathy learned counsel appearing for respondents 1, 2 & 5 and Mr. Sundar Narayan learned counsel appearing for the seventh respondent.

8. Mr. Bijesh Thomas, learned counsel appearing for the applicant would submit that the applicant and the respondents 1 & 2 are closely related. He would submit that the first defendant is the son of the plaintiff and the second defendant is his daughter-in-law. He would submit that he had been engaged in business of trading of various electronic parts and accessories for almost six decades and has a proprietorship concern in the name and style of “Conjap Electronic”. He would further submit that there is also a business under the name and style of “Syndicate Electronics” which is jointly owned by himself and the first respondent and that the capital for both the businesses were solely belonging to the applicant and there has been no contribution of capital by the first defendant. He would submit that it had come to the light in the month of June 2023 that the first respondent with a fraudulent intention opened an



account with the fourth respondent/ bank in the name and style of “Syndicate Electronics” without the applicant's written consent. Only to illegally and fraudulently funnel out the funds of the applicant's business both in “Conjap Electronic Industries” and “Syndicate Electronics”. From the money funneled out, the first respondent with the connivance of the second respondent, had purchased various jewellerys. He would submit that the Office of both the businesses concerns were commonly operated at a property at Krishnappa Chetti Street, Chintadripet Chennai. The property was originally owned by one M.Krishnan who had offered to sell the property and after negotiations, the sale consideration was fixed at Rs.90,00,000/- which was arranged by the plaintiff from his bank accounts and the property was purchased in the name of the first respondent. He would further submit that the fifth respondent's Company was incorporated by the first and second respondents to fraudulently siphon out the proceeds of the business of “Conjap Electronic Industries” and “Syndicate Electronics”. He would submit that the fifth respondent had been purposefully used the identical name of the proprietorship business namely the “Conjap Electronic Industries” to create a deception that the fifth respondent is the business that is being carried out by the first respondent and to drive out the business of the proprietorship concern owned by the applicant. Finding out



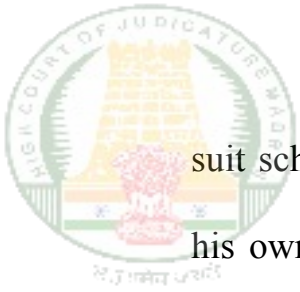
the illegal designs of the first and second respondents, the applicant had approached this Court by filing a suit for various reliefs along with the applications seeking for injunctions restraining the first respondent from preventing the applicant to access the office space, from creating any encumbrances over the Judges summons mentioned schedule property, from restraining the first respondent from operating the cash credit lying in the account with the respective banks, to restrain the respondents to use the deceptively similar name of “Conjap Electronic Industries Limited” in the name of the fifth respondent and also seeking for a leave under Order II Rule 4 to sue the first and second respondents in respect of the suit schedule property. He would submit that to protect the interest of the applicant who is a senior citizen, it is necessary that this Court granted the reliefs as prayed for in the applications.

9. Mr.P.R.Raman, Learned Senior Counsel appearing on behalf of the first and second respondents on the other hand would submit that only after the first respondent had taken over the business, the business had exponentially grown due to his professional know-how. He would further submit that the applicant expressing his desire to retire from the business because of his old



age had given up his rights both in the proprietorship concern and the partnership business. He would further submit that the fifth respondent was incorporated in which the applicant was also made a Director and Shareholder and he had also resigned from the Directorship of the fifth respondent. He would make various allegations about the morality of the applicant and due to which strained relationship began between the applicant and the first and second respondents. He would submit that the partnership concern namely the “Syndicate Electronic” was originally a proprietorship concern of the mother of the first respondent who is also incidentally the wife of the applicant. After her demise, the proprietorship concern was formed into a partnership firm in which both the applicant and the first respondent were partners. Hence, the claim of the applicant that the partnership concern was a brain child of him in which he had taken the first respondent as a partner is absolutely false. He would deny the allegations of fabrication and forgery made in the affidavit filed in support of these applications.

10. He would also vehemently deny the allegations that the funds of the proprietorship firm was transferred to the account of the partnership firm and siphoned off by the first respondent. He would contest that such allegations would stand disproved after the full-fledged trial. He would submit that the



suit schedule property was purchased by the first respondent from and out of his own funds which would also be substantiated during the trial and would also be further evidenced by the Lease Agreement that has been entered between the “Conjap Electronic Industries” and “Syndicate Electronics” with the first respondent, wherein the applicant had signed as a lessee in both the agreements. If it is the claim of the applicant that the property had been purchased by the applicant in the name of the first respondent, then there is no necessity to enter into such lease agreements. He would further submit that the accounts maintained in respect of the partnership firm, the proprietorship firm and also the fifth respondent are being independently maintained and necessary balance sheets have also been filed in the income tax returns from the respective concerns. He would further submit that the applicant had innocuously filed the application in A.No.245 of 2024 in a Civil Suit claiming a relief of passing off which could only be entertained by the Court dealing with the IPR. He would further submit that since the fifth respondent is a private limited company, with regard to the affairs of the fifth respondent, the applicant can only move the Company Law Tribunal under the Provisions of the Companies Act. He would further contend that the applicant had not given any reasons whatsoever as to why he seeks to reserve his rights to



independently sue for the immoveable property when the cause of action has arisen even for claiming the said relief. He would submit that is only an attempt to arm twist the first respondent by forcing him to multiple litigations.

11. He would further submit that the plaintiff had made various claims for cause of action for the suit and that the plaint is also in volition of Order I Rule 3 read with Order II Rule 3 as well as Clause 14 of the Letters Patent Act. Since, there is no relief for joinder of cause of action, the applicant should be directed to choose the cause of action on which he wants to proceed the suit.

12. In that context, he had relied upon the judgment of the Hon'ble Apex Court in the case of ***Prem Lala Nahata v. Chandi Prasad Sikaria***, reported in ***(2007) 2 SCC 551*** and request this Court to call upon the applicant to elect the cause of action on which the applicant proposes to. He would submit that for that purpose he had also taken out an application in A.No.2708 of 2025. Therefore, he would pray this Court to dismiss the applications filed by the applicant and direct the applicant to elect the cause of action on which he proposes to sustain the plaint filed by him.



13. Learned Senior Counsel would further contend that the applicant has never carried on his business of proprietorship concern in the name and style of “Conjap Electronic Industries Limited” from the suit scheduled property but, carried on business from a different address from the very same locality and in that context, he had also placed reliance upon balance sheet of the applicant's proprietorship concern indicating that the same has been carried at a different address.

14. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

O.A.Nos.24, 25 & 26 of 2024:-

15. The applicant had made various allegations as against the first and second respondents in the manner in which they had siphoned out the funds belonging to the proprietorship concern owned by him and the partnership concern in which he and the first respondent were partners. It is also admitted by him that the said concerns have individual bank accounts and the businesses are being transacted only through the said bank accounts. The same was also not been disputed by the first respondent. The bank accounts are also



admittedly being maintained with the third and the fourth respondents. Even though, he claims that the proprietorship concern owned by him is operating from the suit schedule mentioned property, the first respondent had produced the balance sheets of the proprietorship firm of which the applicant is a sole proprietor. The same would indicate that the proprietorship concern has been operating from an address different to that of the suit scheduled property. The said averment made by the first respondent and supported by the typed set had not been disputed to by the applicant, but was contested by claiming that the GST registration of the proprietorship concern is at the suit scheduled property in which a lease has also been entered into by the proprietorship concern and the first respondent. In such an event, this Court is unable to comprehend the claim of the applicant to enter upon the suit scheduled property of which he is only a lessee. When the plaintiff himself has admitted that he has not filed a suit for the immoveable property, it is unable to comprehend how the plaintiff would be entitled for a relief of interim injunction restraining the first respondent from alienating the suit scheduled property. Similarly, the injunction restraining the first respondent to access the accounts of the third respondent in the present scenario can also be only decided after the completion of trial and during the final arguments and if it is found that the



first respondent had fraudulently siphoned out the funds from the said accounts, the applicant could always be compensated accordingly.

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A.Nos.246 of 2024

16. In this application, the applicant had sought for leave under Order II Rule 4 CPC to sue for the relief in respect of the immoveable property which is the Judges summons mentioned property/ the suit scheduled property. It is the claim of the applicant that the property had been purchased in the name of the first respondent with the funds provided by the applicant. Such averments have also been specifically pleaded in the plaint. Even in the cause of action paragraph he had averred that he had paid a sum of Rs.90,00,000/- for the purchase of the suit scheduled property in the name of the first defendant. But, no reasons have been assigned by him as to why he had not chosen to sue the first defendant with regard to the suit scheduled property having made all necessary averments even in that regard including the same in the cause of action. Even in the affidavit filed in support of the application, he has failed to mention as to why there was a necessity not to include the said prayer in the suit and why he seeks to reserve his right to sue the respondents in a separate suit. Without any pleadings whatsoever in that regard, this Court finds no



necessity to entertain such an application and is of the view that such liberty is only sought to harass the respondents.

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17. It is also to be noted that he had impleaded the owner of the property as the sixth defendant in the suit and has also not assigned any reasons as to why he has been made as a party defendant in the suit when the prayer sought for in the plaint is primarily only against defendants 1, 2 & 5.

A.No.245 of 2024

18.The prayer sought for in the present application is to grant leave to sue the respondents 1, 2, 5 & 7 with regard to the use of deceptively similar name of “Conjap Electronic Industries Limited” which is similar to that of the applicant's proprietorship concerns name. It is his complaint that there has been a violation of the trade mark and copyright law which has caused damages to him, this Court dealing on the Original Side particularly the suits do not have the authority to deal with trade marks and copyrights as the same has been assigned in a different roster and being dealt with by an another Judge of this Court. Hence, this Court finds no impediment in grant the leave to the applicant as prayed for.



A.No.2708 of 2025

19. This application had been filed to direct the plaintiff to specify the cause of action on which he intends to proceed with the suit as the same is in violation of Order I Rule 3 read with Clause 14 of the Letters Patent Act. In that context, it could be noted that the applicant had taken out an application for rejection of plaint in A.No.2999 of 2024 raising the very same issue of violation of Order I Rule 3, Order II Rule 3 CPC and Clause 14 of Letters Patent Act, 1862. The said issue had been considered by this Court in the order dated 28.10.2024 wherein this Court relying upon the judgment reported in 2007 (2) SCC 551 had held that such an application is devoid of merits.

20.A perusal of the judgment of the Hon'ble Apex Court as extracted by this Court in the order dated 28.10.2024 would indicate that such an objection is a procedural objection which may enable the Court either to permit to continuance of the suit or direct the plaintiff to elect to proceed with the part of the suit or even try the cause of action joined in the suits as separate suits. It is also further to be noted that non-joinder of cause of action is a procedural defect which can always be cured at any stage in the suit and it could be premature now to direct the plaintiff to elect the cause of action. The Hon'ble



Apex Court in the said judgment has also held that such causes of action joined in a particular suit can always be tried as a separate suits. For the aforesaid reasons, I do not find any merits in the application.

21.In fine, the O.A.Nos.24, 25 & 26 of 2024 and A.No.246 of 2024 and A.No.2708 of 2025 are dismissed and A.No.245 of 2024 stands allowed. However, there shall be no order as to costs.

07.10.2025

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Internet : Yes / No
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O.A.Nos.24, 25, 26 of 2024 &



K.KUMARESH BABU.J.,

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Pre-Delivery Order in
O.A.Nos.24, 25, 26 of 2024
and A.Nos.245 & 246 of 2024
in
C.S.No.8 of 2024

07.10.2025