

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)

Thursday, the Second day of June Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE M.S.RAMESH

AND

THE HON`BLE MR.JUSTICE MOHAMMED SHAFFIQ

OSA(CAD).No.65 of 2022

and CMP.Nos.9133 & 9135 of 2022

1 M/S.PHOTON FACTORY
REP. BY ITS PARTNER,
MR.GAUTHAM VASUDEV MENON,
NO.205, LLOYDS ROAD,
ROYAPETTAH, CHENNAI-600 014

[APPELLANTS / PETITIONERS
IN BOTH THE PETITIONS]

2 GAUTHAM VASUDEV MENON
S/O.MR.K.M.PRABHAKRISHNAN,
NO.205, LLOYDS ROAD,
ROYAPETTAH, CHENNAI-600 014

Vs

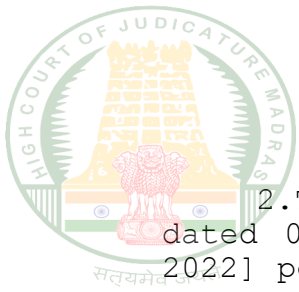
1 M/S.R.S.INFOTAINMENT(P) LTD.,
REP. BY ITS DIRECTOR, MR.R.JAYARAMAN,
S/O.SRI.A.RAMANUJAM,
NO.16, BHAGAVANDAN STREET,
FLAT NO.5, GOODWILL APARTMENTS,
T.NAGAR, CHENNAI-600 017

[RESPONDENTS IN THE APPEAL
AND BOTH THE PETITIONS]

2 M/S.ESCAPE ARTISTS,
REP BY ITS PARTNER,
MR.P.MADAN, NO.205,LLOYDS ROAD,
ROYAPETTAH, CHENNAI 600 014

3 P.MADAN

Appeal under Section 13(1) of Commercial Courts Act, 2015 Read with Order XXXVI Rule 1 of O.S.Rules, the Letter Patent against the order of the THE HON`BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY dated 05.04.2022 and made in the exercise of the Ordinary Original Civil Jurisdiction of the High Court in CS.No.153 of 2013 (in OSA(CAD).No.65 of 2022);



2. To suspend / stay the operation of the Judgment and Decree dated 05.04.2022 passed in CS.No.153 of 2013 [in CMP.No.9133 of 2022] pending disposal of the OSA(CAD).No.65 of 2022;

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3. To pass an order of injunction restraining the Respondent its men, offices, servants and agents in putting the Judgment and Decree dated 05.04.2022 passed in CS.No. 153 of 2013 into execution by way of filing Execution Petition [in CMP.No.9135 of 2022] pending disposal of the OSA(CAD).No.65 of 2022 respectively.

ORDER :- This Appeal and Miscellaneous petitions coming on for orders on this day upon perusing the Grounds of Appeal, the orders of the THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY dated 05.04.2022 and made in the exercise of the Ordinary Original Civil Jurisdiction of the High Court in CS.No.153 of 2013 and all other material paper in this cases and upon hearing the arguments of M/S.A.ABDUL HAMEED, Advocate for the Appellant/Petitioner in both the petitions, the court made the following order

(Order of the Court made by M.S.RAMESH.J.)

Among the various grounds raised in the present Appeal challenging the Judgment and Decree of the Trial Court, one of the grounds raised is that the Suit itself is barred by limitation, since the plaint was presented on 06.03.2013 and the limitation would expire on 11.02.2013. The Trial Court had taken cognizance of the fact that even if the date of computation of limitation is calculated from 12.02.2010, the period of limitation would expire on 11.02.2013. However, the consequential observation that the plaint was presented on 08.02.2013 made by the Trial Court may not be correct, since the suit summons produced before us evidences that the plaint was presented only on 06.03.2013.

2. On a *prima-facie* view, the suit seems to be barred by limitation. However, this aspect requires further deliberation.

3. In view of the *prima-facie* case made out, there shall be an order of interim stay till 01.07.2022.

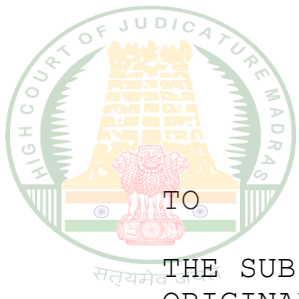
4. Notice to the respondents returnable by 01.07.2022. Private Notice is also permitted.

5. Post the matter on 01.07.2022.

-sd/-
02/06/2022

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Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.



TO

THE SUB ASSISTANT REGISTRAR,
ORIGINAL SIDE, HIGH COURT,
MADRAS 104

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C.C. to M/S.AAV PARTNERS, Advocate, SR.No.4191/2022.

Order
in
OSA(CAD).No.65 of 2022
and CMP.Nos.9133 & 9135 of 2022

Date :02/06/2022

From 26.2.2001 the Registry is issuing certified
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RA 06/06/2022 IT