

ITEM NO.19 Court 12 (Video Conferencing) SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 1117/2022

(Arising out of impugned final judgment and order dated 20-10-2020 in FAO No. 80/2020 passed by the High Court Of Kerala At Ernakulam)

MATHEWS T.PALAMMOOTTIL @ MATHEWS THOMAS Petitioner(s)

VERSUS

JINU VARGHESE ABRAHAM Respondent(s)

(FOR ADMISSION and IA No.12035/2022-EXEMPTION FROM FILING O.T.)

Date : 04-02-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
 HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Rajshekhar Rao, Sr. Adv.
 Mr. Santosh Mathew, Adv.
 Mr. A. Karthik, AOR
 Ms. Savni D. Endlaw, Adv.
 Ms. Surabhi Pande, Adv.
 Mr. Vishnu B. Kurup, Adv.
 Mr. Mathew Nevin Thomas, Adv.
 Mr. Arsh Khan, Adv.
 Ms. Yamini Mookherjee, Adv.
 Ms. Sonal Sarada, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

We have heard Mr. Rajshekhar Rao, learned Senior Advocate appearing for the petitioner.

The present proceedings arise out of the interim injunction order passed by the learned trial Court confirmed by the High Court. In the facts and circumstances of the case and the reasons given by the High Court while dismissing the First Appeal against the order of injunction granted by the learned trial Court, we see no reason to interfere with the same. However, in the facts and

circumstances of the case, the learned trial Court is directed to expedite the hearing of the Suit and may conclude the trial within a period of one year from today looking to the fact that the disputes can be said to be of a commercial nature. All concerned are directed to cooperate the learned Trial Court in early disposal of the suit and within the stipulated time stated herein above.

It goes without saying that the learned trial Court to decide and dispose of the Suit in accordance with law and on its own merits and on the basis of the evidence led and without in any way being influenced by any of the observations made in the Order 39 Rule 1 & 2 application as well as the impugned judgment and order passed by the High Court and any observations made in the impugned orders be treated as *prima facie* for deciding Order 39 application only.

The Special Leave Petition stands dismissed.

Pending application also stands disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER