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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 7289 of 2026
CNR:{HCMA012284792026}
Case QR
AND
CRP NO. 7112 OF 2026

Uyir Agriculture Private Limited
Rep by its Director/Authorized Person,
AB Block, Door No.34,
5th Street, Plot No.4872,
Anna Nagar,
Chennai 600040
also at
No.42, Bhuvanam Illam,
Periyanna Street,
Erode 638001.

..Petitioner(s)

Vs

1. Ueir Organic Foods Pvt Ltd.,
   Rep by its Managing Director,
   No.38, Main Street,
   Kalipalayam,
   Elavanatham Post,
   Arachalur,
   Erode 638101

2. Thiruselvi
   Managing Director,
   Ueir Organic Foods Private Limited,
   No.38, Main Street,
   Kalipalayam,
   Elavanatham Post,
   Arachalur,
   Erode 638101

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3. G.Suganya
   Director,
   Ueir Organic Foods Private Limited,
   No.38, Main Street,
   Kalipalayam,
   Elavanatham Post,
   Arachalur,
   Erode 638101

4. Manoharan
   Director,
   Ueir Organic Foods Private Limited,
   No.38, Main Street,
   Kalipalayam,
   Elavanatham Post,
   Arachalur,
   Erode 638101

5. Senthilnathan
   S/o.Karupanan,
   No.38, Main Street,
   Kalipalayam,
   Elavanatham Post,
   Arachalur,
   Erode 638101

..Respondent(s)

Case QR

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CNR:{HCMA012284802026}

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Chennai-600 040
Also at
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..Petitioner(s)

Vs

1. Ueir Organic Foods
   Rep by its Managing Director,
   No.38, Main Street,
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   Elavanatham Post,
   Arachalur,
   Erode-638 101

2. Thiruselvi
   Managing Director,
   Ueir Organic Foods Private Limited,
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   Erode-638 101

3. G Suganya
   Director,
   Ueir Organic Foods Private Limited,
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   Erode-638 101

4. Manoharan
   Director,

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Erode-638 101

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S/o. Karupanan,
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Elavanatham Post,
Arachalur
Erode-638 101

..Respondent(s)

CRP No. 7289 of 2026

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Principal District Judge, Erode to dispose of the Application in IA No.4 of 2021 in OS No.406 of 2020 within a time frame as may be fixed by this Court.

CRP No. 7112 of 2026

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 24-04-2026 in I.A.No.03/2021 in O.S.No.406/2020 passed by the Principal District Judge, Erode.

For Petitioner(s): Mr.K.Ashok Kumar

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COMMON ORDER

CRP No.7112 of 2026 has been filed against the fair and decreetal order dated 24.04.2026 passed in I.A.No.03 of 2021 in O.S.No.406 of 2020 on the file of the Principal District Judge, Erode, wherein the application filed by the petitioner/plaintiff for appointment of an Advocate Commissioner under Order XXVI Rule 9 of C.P.C., came to be dismissed by the Court below.

2.CRP No.7289 of 2026 has been filed for a direction to the Court below to dispose of the application filed in IA No.4 of 2021 in OS No.406 of 2020, within the time frame fixed by this Court.

3.Heard the learned counsel for the petitioner and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

4.The petitioner is the plaintiff who filed the suit in O.S.No.406 of 2020 seeking for the relief of permanent injunction on the ground of infringement of

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trademark and passing off. Pending the suit, the petitioner/plaintiff filed IA Nos.284 & 285 of 2020 seeking for the relief of interim injunction under Order XXXIX Rules 1 and 2 of C.P.C. Interim injunction was granted on 30.11.2020. However, in spite of the order of interim injunction, it is alleged that the same was violated and hence, IA No.4 of 2021 was filed to attach the movable and immovable properties of the 1st defendant and to punish defendants 2 to 5 for disobedience of the order.

5.The petitioner also filed IA No.3 of 2021 for appointment of an Advocate Commissioner in order to search, seize, destroy the photographs and videographs in the impugned labels, cartons, packets etc.,

6.These two applications were heard together on several occasions from the year 2024 onwards. But however, no final orders were passed. Ultimately, an order came to be passed in IA No.3 of 2021 dismissing the application and whereas, no orders were passed in IA No.4 of 2021. Aggrieved by the same, these Civil Revision Petitions have been filed before this Court.

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7.It is seen from records that both the applications filed in IA Nos.3 & 4 of 2021 came to be heard together from 03.09.2024 onwards. Due to the change of the incumbent, once again, these applications were heard on 23.01.2025 and the matter was posted for orders on 07.02.2025. However, no orders were passed. Once again, there was a change of incumbent and these applications came up for hearing on 05.04.2025 and were heard together. However, an order was passed in IA No.3 of 2021 dismissing the application, but no orders have been passed insofar as IA No.4 of 2021 is concerned.

8.The procedure adopted by the Court below in keeping IA No.4 of 2021 pending and passing a separate order in IA No.3 of 2021 is, on the face of it, erroneous. This is in view of the fact that an order of interim injunction was passed in favour of the petitioner/plaintiff and the petitioner/plaintiff is alleging disobedience of the said order and has filed IA No.4 of 2021. In the meantime, the petitioner/plaintiff wanted the seizure of the products in which the label of the petitioner/plaintiff is used. The order in IA No.4 of 2021 will have a direct impact while dealing with the application in IA No.3 of 2021. That is the reason why both these applications were heard together on three occasions. But, unfortunately, no orders came to be passed.

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9.In view of the above, the order passed by the Court below in IA No.3 of 2021 suffers from perversity and requires the interference of this Court. This Court is inclined to direct the Court below to hear IA Nos.3 & 4 of 2021 together after affording an opportunity to both sides and pass orders within the time frame fixed by this Court.

10.The learned counsel for the petitioner brought to the notice of this Court that, in the meantime, the defendants have filed a rectification application, which is pending before the concerned authority. Since the rectification application was kept pending, the petitioner filed W.P.Nos.38 & 39 of 2026 for a direction to the authority to dispose of the application. These writ petitions were disposed of by an order dated 17.11.2026, wherein six months time was granted for disposing of the rectification application and in the meantime, this Court has stayed the trial in the main suit in O.S.No.406 of 2020. This order does not come in the way of the Court below dealing with the applications that are pending in the suit.

11.In the result, both these Civil Revision Petitions are allowed and there shall be a direction to the Principal District Judge, Erode, to hear

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I.A.Nos.03 & 04 of 2021 in O.S.No.406 of 2020 after affording opportunity to both sides and pass orders in both the applications, within a period of six weeks from the date of receipt of copy of this order. No Costs.

20-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SSR

To

The Principal District Judge, Erode.

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N.ANAND VENKATESH J.

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