

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**THURSDAY, THE TWENTY FIRST DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**COMMERCIAL COURT APPEAL NO: 25 OF 2024**

Commercial Court Appeal under Section 13 of Commercial Courts Act, 2015 r/w Order 43 Rule 1 & 2, Section 151 of CPC aggrieved by the Order dated 06-02-2024 made in I.A. No. 216 of 2023 in I.A. No. 195 of 2023 in C.O.S. No. 24 of 2023 on the file of the Court of the Additional Commercial Court in the Cadre of District Judge for Trial and Disposal of Commercial Disputes at Hyderabad.

**Between:**

1. Drainvac International 2006 Inc, A company incorporated in Canada 150, Brunet, St. Hilaire, QC Canada J3H 0M6 Represented by its Special Power of Attorney-holder Exclusive Distributor/Authorised Representative. VM Clear LLP
2. DrainVac Asia Pacific, A company incorporated in Australia, Unit 5/562, Gardeners Road, Alexandria, NSW 2015 Australia Represented by its Special Power of Attorney-holder Exclusive Distributor/Authorised Representative. VM Clear LLP
3. VM Clear LLP, LLP IN No. AAV - 9339 2nd Floor, The Network Building, Road 9, Jubilee Hills. Beside TV5 News Office, Hyderabad, Telangana 500003 Represented by its Designated Partner Mrs. Monika Shah

**...Appellants / Respondents / Plaintiffs**

**AND**

1. Incygys Automation Pvt. Ltd., (Previously Sensomatic Automation India Pvt. Ltd.) Having its registered office at Fortune Monarch Signature 8-2-293/82/A/707, 708, 709 4th Floor, 404, Rd. No. 36 Jubilee Hills, Hyderabad Telangana - 500 033 Represented by its Director Mr. Abhilash Palachola
2. Abhilash Srinivas Alias Abhilash Palachola, S/o. Suryanarayana Murthy Aged about 43 years R/o. Fortune Monarch Signature 8-2-293/82/A/707, 708, 709 4th Floor, 404, Rd. No. 36 Jubilee Hills, Hyderabad Telangana - 500 033

**...Respondents / Petitioners / Defendants**

**Counsel for the Appellants : Sri Duvva Pavan Kumar**

**Counsel for the Respondents : Sri Rusheek Reddy K V**

**The Court delivered the following Judgment :**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**COMMERCIAL COURT APPEAL No.25 of 2024**

**JUDGMENT:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Duvva Pavan Kumar, learned counsel for the appellants.

Mr. K.V.Rusheek Reddy, learned counsel for the respondents.

2. In this appeal under Section 13 of the Commercial Courts Act, 2015, the appellants have assailed the validity of the order passed by the Additional Commercial Court in the Cadre of District Judge for Trial and Disposal of Commercial Disputes at Hyderabad (hereinafter referred to as, "the Commercial Court") under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908 (CPC), dated 06.02.2024 in I.A.No.216 of 2023 in I.A.No.195 of 2023 in C.O.S.No.24 of 2023 filed by the respondents by which the *ex parte ad interim* order dated 06.07.2023 has been vacated on the

ground that the appellants have not approached the Court with clean hands.

3. Learned counsel for the appellants submits that an application under Order XXXIX Rules 1 and 2 of CPC is pending and a counter to the same has been filed on behalf of the respondents. It is, therefore, submitted that the appeal be disposed of with a direction to the Commercial Court to decide the application filed by the appellants under Order XXXIX Rules 1 and 2 of CPC in a time bound manner.

4. The aforesaid prayer is not opposed by the learned counsel for the respondents.

5. In view of the aforesaid and in the facts and circumstances of the case, the appeal is disposed of with a direction to the Commercial Court to decide the application preferred by the appellants seeking injunction by a speaking order within a period of three weeks from the date of receipt of a copy of the order passed today.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

Sd/- K. SRINIVASA RAO  
JOINT REGISTRAR

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SECTION OFFICER

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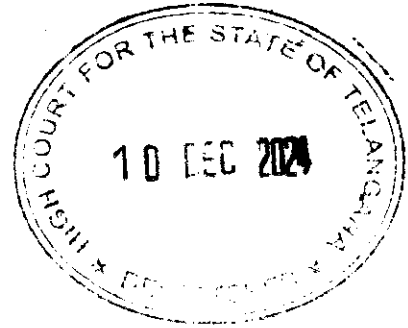
1. The Additional Commercial Court in the Cadre of District Judge for Trial and Disposal of Commercial Disputes at Hyderabad
2. One CC to Sri Duvva Pavan Kumar, Advocate [OPUC]
3. One CC to Sri Rusheek Reddy K ,V Advocate [OPUC]
4. Two CD Copies

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**HIGH COURT**

**DATED:21/11/2024**



**JUDGMENT**

**COMCA.No.25 of 2024**

**DISPOSING OF THE COMCA.**

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05/12/24  
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