

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

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

**PRESENT**

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

**AND**

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

**CIVIL REVISION PETITION No: 3476 of 2024**

Petition under Article 227 of the Constitution of India aggrieved by the order dated 03-04-2024 in IA No.72 of 2023 in COS.No.45 of 2022 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. M/s.Deccan Chronicle Holdings Limited, 36, Sarojnini Devi Road, Secunderabad Represented by its Supervisory Committee, Erstwhile Resolution Professional, Ms.Mamta Binani
2. Ms.Mamta Binani, W/o. Sumit Binani, Erstwhile Resolution Professional, Deccan Chronicle Holdings Ltd., 21, Ganesh Chandra Avenue Commerce House 4<sup>th</sup> Floor, Room No.6, Kolkatta 700013.

**...Petitioners/Defendant No.1 and 2**

**AND**

1. Deccan Chronicle Marketeers, A Partnership Firm, (earlier known as Deccan Chronicle) Having its Regd.Office at 147, S.P. Road, Secunderabad – 500003. **...Respondent/Respondent No.1-Plaintiff**
2. Vision India Fund - SREI Multiple Asset Investment Trust, Vishwakarma, 86C, Topsia Road(South), Kolkatta 700046 Rep. by its authorized representative Mr.Avansh Jain
3. Committee of Creditors through Canara Bank, 3-5-879, Old MLA Quarters Road, Narayanaguda, Hyderabad 500029. Rep. by its Authorized Representative
4. IDBI Bank, Rep. by its Authorised Representative WTC Complex, IDBI TOWERS, Cuffe Parade, MUMBAI 400005.

**...Respondents/Respondent-Defendant No's.3 to 5**

**IA NO: 1 OF 2024**

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in COS No. 45 of 2022 dated 03-04-2024 on the file of Additional Commercial Court in the cadre of District Judge for Trial and Disposal of Commercial Disputes, City Civil Courts, Hyderabad, pending disposal of the Appeal.

**Counsel for the Petitioners: Mr. Mayur Mundra**

**Counsel for the Respondents: None Appeared**

**The Court made the following: ORDER**

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

**AND**

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

**CIVIL REVISION PETITION No.3476 of 2024**

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

Mr. Mayur Mundra, learned counsel for the petitioners.

2. Taking into account the order which this Court proposes to pass, it is not necessary to issue notice to the respondents.

3. In this petition under Article 227 of the Constitution of India, the petitioners have assailed the validity of the order dated 03.04.2024 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") in I.A.No.72 of 2023 in C.O.S.No.45 of 2022, by which the application filed by the petitioners under Order VII Rule 11

of the Code of Civil Procedure, 1908 (CPC), has been rejected.

4. Facts giving rise to filing of this petition briefly stated are that the respondent No.1 has filed a suit seeking permanent injunction restraining the petitioners from using the Trade Marks 'Deccan Chronicle' and 'Andhra Bhoomi'. The petitioners have filed an application under Order VII Rule 11 of CPC, *inter alia*, on the ground that the respondent No.1 is an unregistered partnership firm and therefore in view of the bar contained under Section 69(2) of the Indian Partnership Act, 1932 (hereinafter referred to as, "the Act"), the suit at the instance of an unregistered partnership firm is not maintainable. A further objection to the maintainability of the suit was taken on the ground that the plaint has been filed by an unauthorised person.

5. The Commercial Court, by an order dated 03.04.2024, has rejected the aforesaid application and has held that the bar under Section 69(2) of the Act is not attracted to the fact situation of the case and the defect of authorisation is curable. Hence, this petition.

6. Learned counsel for the petitioners, after arguing the matter to some extent, seeks leave of this Court to withdraw the civil revision petition with the liberty to the petitioners to raise the objection with regard to maintainability of the suit in the written statement which may be filed by the petitioners. However, this Court by an order passed today in C.R.P.No.3478 of 2024 has upheld the order dated 03.04.2024 by which an application filed by the petitioners to set aside order dated 12.04.2023 forfeiting the right to file written statement has been rejected. Therefore, it is not possible for us to accede to the aforesaid prayer.

7. The civil revision petition is accordingly dismissed.

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


//TRUE COPY//

Sd/- MOHD. ISMAIL  
ASSISTANT REGISTRAR

  
SECTION OFFICER

To,

1. The Additional Commercial Court in the Cadre of District Judge for Trial and Disposal of Commercial Disputes at Hyderabad.
2. One CC to Mr. Mayur Mundra, Advocate [OPUC]
3. Two CD Copies

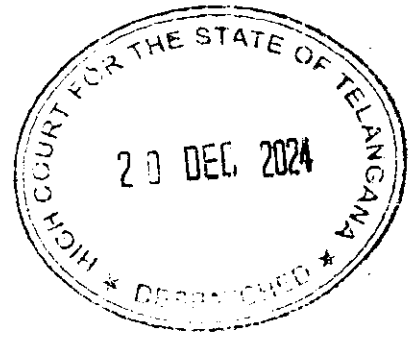
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**HIGH COURT**

**DATED:07/11/2024**

**ORDER**

**CRP.No.3476 of 2024**



**DISMISSING OF CIVIL  
REVISION PETITION**

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for  
5/12/24