

ITEM NO.21

COURT NO.5

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.24442/2026

[Arising out of impugned final judgment and order dated 23-06-2026 in CMA No. 524/2025 passed by the High Court for The State of Telangana at Hyderabad]

M/S SANTOSH DHABA EXCLUSIVE PARTNER

Petitioner(s)

VERSUS

M/S THE SANTOSH ORIGINAL PROPRIETOR & ORS.

Respondent(s)

FOR ADMISSION

Date : 24-07-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) : Mr. Shyam Divan, Sr. Adv.
Mr. Navin Pahwa, Sr. Adv.
Mr. Avishkar Singhvi, Adv.
Mr. B. Shravanth Shanker, AOR
Ms. Prerna Robin, Adv.
Ms. Grahita Agarwal, Adv.
Mr. Abhishek Agarwal, Adv.
Mr. Ankur Singhal, Adv.
Ms. Anshula L. Bakhru, Adv.
Mr. Shivam Kunal, Adv.
Mr. I.v. Sai Nikhil, Adv.
Mr. B. Yeshwanth Raj, Adv.
Ms. Sakshi Raman, Adv.

For Respondent(s) : Mr. C. Aryama Sundaram, Sr. Adv.
Dr. Donthi Reddy Venkat Reddy, Sr. Adv.
Ms. Mustan Joshi, Adv.
Mr. E Venkata Siddhartha, Adv.
Mr. Zafar Inayat, Adv.

Mr. Aayushmaan Vatsyayana, AOR

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

1. We heard Mr. Shyam Divan and Mr. Navin Pahwa, the learned senior counsel appearing for the petitioner and Mr. C.A. Sundram and Dr. Donthi Reddy Venkat Reddy, the learned senior counsel appearing for the respondents.

2. In the impugned order passed by the High Court, more particularly, in Paragraph 20 the High Court has observed thus:-

"20. As per the proceeding sheet of the trial Court, the matter was posted to 17.12.2025, for orders in IA No.1748 of 2025 (Order VII Rule 10 CPC), and on 17.12.2025 the matter was adjourned to 23.12.2025. According to the learned counsel for the appellant, an application for extension of the interim order was filed on 17.12.2025 by way of abundant caution. If such an application had indeed been filed on the previous day, the necessity of filing another petition vide S.R. No. 9050 of 2025 on 18.12.2025 does not arise. Thus, there is no clarity as to whether any valid extension of the interim order was actually granted or not. Be that as it may, a perusal of the proceedings sheet of the trial

Court reveals that the matter had already been transferred to the Commercial Court prior to the filing of the present appeal. In such circumstances, this Court is unable to call for the record from the transferor Court. Furthermore, the material available on record does not disclose any order extending the temporary injunction beyond 15.12.2025. Consequently, prima facie, the interim order of temporary injunction ceased to operate after 15.12.2025."

3. The plain reading of what has been taken note of by the High Court is that there was nothing on record before the High Court to indicate that the temporary injunction earlier granted was extended beyond 15.12.2025.

4. However, the learned senior counsel appearing for the petitioner brought to our notice the order passed by the XI Additional Chief Judge, City Civil Court at Hyderabad dated 15.12.2025 wherein there is a word "allowed" figuring in the order with the signature.

5. According to the learned senior counsel appearing for the petitioner this is indicative of the fact that the application was allowed and the injunction was extended. However, on the other hand, the learned senior counsel appearing for the

respondents would submit that in fact the application was not allowed.

6. There is no clarity as regards the fact whether in fact the application seeking extension was allowed or not.

7. In such circumstances, we remit the matter to the High Court to look into this aspect. The High Court shall call for the records and proceedings from the transferee court and get an appropriate report from the *transferor* court in this regard.

8. The High Court shall hear both the sides and decide afresh. Let this entire exercise be undertaken at the earliest and be completed, preferably, within a period of four weeks from today.

9. We are further informed that application preferred by the petitioner under Order XXXIX, Rules 1 and 2 of the Civil Procedure Code, 1908, respectively is coming up for hearing on 04.08.2026.

10. Let the application under Order Order XXXIX be heard only after appropriate clarification as regards the above.

11. With the aforesaid, the Special Leave Petition stands disposed of.

12. Pending application(s), if any, stand disposed of.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)