

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE DR JUSTICE B. SIVA SANKARA RAO**

C.M.A. NO.101 OF 2016

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ORDER: *(As per Hon'ble Sri Justice Nooty Ramamohana Rao)*

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Heard Sri S. Niranjan Reddy, learned counsel for the appellant and Sri Sushanth, learned counsel appearing on behalf of the respondents.

While, we admire the able way Sri Sushanth has presented his case on behalf of the respondent herein, but however, we find that the learned III Additional Chief Judge, City Civil Court, Hyderabad, who passed the impugned order on 03.02.2016 has not left us with much of a discretion. The respondent was the petitioner in O.P.No.292 of 2016 moved under Section 9 of the Arbitration and Conciliation Act, 1996, seeking grant of perpetual injunction restraining the respondent therein from terminating the general services agreement dated 01.10.2014 together with its amended agreement dated 04.02.2015. We are not adverting to the various contentions that have been canvassed on either side, as we are disposing this C.M.A on a very short ground.

The order passed by the learned III Additional Chief Judge, City Civil Court, Hyderabad, on 03.02.2016 reads as under:

“Heard the counsel for petitioner. Perused records. Upon consideration of the matter basing on the prima facie case in balance of convenience and also irreparable loss leaning towards the petitioner it is found desirable to issue Interim Injunction until further orders. Issue Interim Injunction accordingly restraining the respondent from terminating the general services agreement dt.01-10-2014 vide agreement No.CW 558370 including amended agreement dt.04-02-2015, and notice. Posted to 15-02-2016. Order 39 R.3(a) CPC shall be complied with.”

No reasons are assigned why a *prima facie* case is said to have been made out, where the balance of convenience lies and as to the nature of irreparable loss that might occasion to the petitioner in the O.P. Every judicial authority is required to assign reasons for the conclusions drawn by it. Reasons are the life links. They offer guidance as to on what lines the mind of the authority has worked. Since, no reasons are assigned by the Court while passing this order, we have been left guessing.

The petitioner is an Information Technology provider, which employs a large number of employees, as its force members. It had entered into an agreement with the respondent herein, who is the petitioner in the O.P. which runs a restaurant and also provides food supplies services. Therefore, a careful assessment as to whether it is really expedient to permit such an agreement to hold the field, pending the O.P or not, ought to have been assessed carefully. Only on the short ground, we set-aside the docket order passed on 03.02.2016 by the Court below and restore the O.P. together with any interlocutory applications lying therein for consideration afresh, in accordance with law and duly assigning reasons for its conclusion. We, hope and trust, that the matter will be heard and decided on merits, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order.

Registry is directed to communicate the copy of this order at the earliest.

Even otherwise, learned counsel on both sides are granted liberty to file appropriate memo before the Court bringing to it on record, the order passed by us today in this C.M.A which can be acted upon.

With this, the appeal stands disposed of. No costs.

Consequently, miscellaneous applications pending if any shall also stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE DR. B. SIVA SANKARA RAO

Date:01.04.2016

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note: cc today

b/o

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