

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S).7235/2025
(@ SPECIAL LEAVE PETITION (CIVIL) NO(S).14208 OF 2025)**

IEEE MUMBAI SECTION WELFARE ASSOCIATION APPELLANT(S)

VERSUS

GLOBAL IEEE INSTITUTE FOR ENGINEERS RESPONDENT(S)

O R D E R

Leave granted.

2. We have heard learned counsel for the appellant and learned senior counsel for the respondent, at length.

3. The impugned order dated 15.04.2025 is passed on I.A.NO.1 of 2025 in COMAP NO.181 of 2025 by the High Court of Karnataka at Bengaluru. The said appeal is filed assailing the order passed by the LXXXIV Additional City Civil and Sessions Judge, Commercial Court, Bengaluru on I.A.NO.4 of 2024 in Commercial Original Suit No.906 of 2024. The said application (IA NO.4 of 2024) was filed under Order VII Rule 11 of the Code of Civil Procedure, 1908 ("CPC" for short) seeking rejection of the plaint. By the order dated 12.03.2025, the plaint was rejected by the Commercial Court.

4. Being aggrieved, the respondent herein has filed COMAP No.181 of 2025. Along with the said appeal, an application (IA NO.1 of 2025) was filed by the respondent

herein seeking temporary injunction against the appellant herein. By the impugned order dated 15.04.2025, the temporary injunction has been granted. The appeal is still at large and pending consideration before the High Court.

5. Having heard learned counsel for the appellant and learned senior counsel for the respondent, we observe that in a case where an appeal is filed by being aggrieved by the rejection of a plaint in exercise of powers under Order VII Rule 11 CPC, the High Court ought not to have granted an order of temporary injunction. We say so for the reason that the plaint itself has been rejected by the Commercial Court and the correctness or otherwise of the said rejection is a matter at large before the High Court. When the plaint itself has been rejected, it cannot be said that the appeal filed against such an order is a continuation of a suit. It may be that in the commercial suit the respondent herein had the benefit of an interim injunction, but once the plaint has been rejected by the trial court i.e. the Commercial Court, in the instant case, until it is revived / restored, an order of temporary injunction cannot operate against the defendant in the suit, who is the respondent in the appeal filed against the rejection of the plaint. In other words, it is necessary that there ought to be a

subsisting plaint in order to seek an order of temporary injunction.

6. In the circumstances, we set aside the impugned order dated 15.04.2025 passed on I.A.NO.1 of 2025 in COMAP NO.181 of 2025 by the High Court of Karnataka at Bengaluru. We request the High Court to dispose of COMAP NO.181 of 2025 as expeditiously as possible and preferably on or before 30.06.2025.

7. It is needless to observe that the learned counsel appearing for the respective parties would cooperate with the High Court for expeditious disposal of the COMAP No.181 of 2025.

8. We clarify that we have not said anything on the merits of the matter.

9. Appeal is allowed and disposed of in the aforesaid terms.

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

....., J
[B. V. NAGARATHNA]

....., J
[SATISH CHANDRA SHARMA]

NEW DELHI
May 27, 2025.

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

SPECIAL LEAVE PETITION (CIVIL) NO(S).14208 OF 2025

IEEE MUMBAI SECTION WELFARE ASSOCIATION

APPELLANT(S)

VERSUS

GLOBAL IEEE INSTITUTE FOR ENGINEERS

RESPONDENT(S)

(FOR ADMISSION

IA NO. 126369/2025 - EXEMPTION FROM FILING O.T.)

Date : 27-05-2025 This matter was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA
(PARTIAL COURT WORKING DAYS BENCH)

For Appellant(s) : Ms. Pritha Srikumar Iyer, AOR
Mr. Ankit Swami, Adv.

For Respondent(s) : M/S. Trilegal Advocates On Record, AOR
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Nitesh Jain, Adv.
Mr. Anuj Berry, Adv.
Ms. Samrudhi Chothani, Adv.
Ms. Rudhdi Walawalkar, Adv.
Mr. Ira S Mahajan, Adv.
Mr. Varad S Kolhe, Adv.
Ms. Pritha Suri, Adv.
Mr. Tabeer Riyaz, Adv.
Mr. Saumitr Malviya, Adv.
Mr. Ojaswi shankar, Adv.

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

Issue notice to the respondent.

Learned counsel on behalf of M/S Trilegal,
Advocate-On-Record, accepts notice for
respondent.

Leave granted.

Appeal is allowed and disposed of in terms
of the signed order.

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

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)