

2025 LiveLaw (SC) 658

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

B.V. NAGARATHNA; J., SATISH CHANDRA SHARMA; J.

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

IEEE MUMBAI SECTION WELFARE ASSOCIATION

versus

GLOBAL IEEE INSTITUTE FOR ENGINEERS

Code of Civil Procedure, 1908; Order VII Rule 11 - Temporary Injunction in Appeal Against Plaintiff Rejection - Requirement of Subsisting Plaintiff - No temporary injunction can be granted in an appeal against the rejection of a plaintiff under Order VII Rule 11, CPC, as the plaintiff ceases to exist upon rejection. A subsisting plaintiff is essential for granting a temporary injunction. An injunction order becomes invalid upon plaintiff rejection and can only be revived if the plaintiff is restored. The High Court erred in granting a temporary injunction during the pendency of an appeal against plaintiff rejection, as the appeal does not constitute a continuation of the suit. Appeal allowed, impugned High Court order granting temporary injunction set aside.

(Para 5)

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.

ORDER

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 plaintiff. By the order dated 12.03.2025, the plaintiff 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 plaintiff 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 plaintiff 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 plaintiff 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.

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