

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

CRP(CRP Art. 227) No. 28 of 2024

Surjitkanta Ningthoukhongjam

... Petitioner

Vs.

Bijgupta Laishram & ors.

... Respondents

**B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

O R D E R

06-08-2024

[1] Heard Mr. M. Johnny Meetei, learned counsel appearing for the petitioner and Mr. N. Zequeson, learned counsel appearing for the respondent No. 1.

The present petition has been filed assailing the order dated 29-07-2024 passed by the District Judge, Imphal West in Judl. Misc. Case No. 48 of 2024 and Judl. Misc. Case No. 55 of 2024.

[2] The said two applications have been filed before the Trial Court in connection with the Original Suit No. 1 of 2021 with the prayer for allowing the present petitioner to file documents as evidence in connection with the Original Suit. Both the said two applications were rejected by the Trial Court by passing impugned order. The reasons given by the Trial Court for rejecting the said two applications as contained in the impugned order are as under:-

"7. Perusal of record shows that evidence of both parties have been closed and stage is final hearing. In fact on 03.01.2022, the Id. Counsels of both sides were heard in part and Id. Counsel of Defendants submitted case laws. It is only after it, at this belated stage, that Plaintiff got the word/Title 'THABATON' registered under the Trade Marks Act, 1999."

"8. The two documents which are the subject matters of the two applications are filed to show that the trade mark 'THABATON' has been registered in the name of Plaintiff. The date of registration is shown as 15.12.2022. The applications are silent as to how these two documents could be of any relevant to any of the issues framed."

“9. The suit of the Plaintiff is filed under S. 34 of the Specific Relief Act 1963 read with S. 60 of Copy Right Act 1957. The cause of action is alleged violation of copyright by defendants. There is nothing in the pleading about any infringement of trademark. In fact, the documents were not even in existence at the time the suit was filed and any possible rights that the Plaintiff may have acquired under the Trade Marks Act, 1999 by virtue of registration under it is a subsequent event that does not constitute the cause of action, whole or in part, for filing the suit. There is no relevancy of these documents to the issues framed.”

“10. In any event, documents cannot be received in evidence which have no relation with the pleadings in the plaint or replication.”

“11. According, these applications are rejected as devoid of any merit.”

[3] On perusal of the said impugned order, it is found that the said two applications have been rejected by the Trial Court on the ground, inter alia, that the documents which, the petitioner wants to file is a Trade Mark Licence and the said document has no relation with the issues framed in the suit as the cause of action alleged in the said suit is in violation of the Copy Right Act by the defendants. It has also been observed by the Trial Court that the said Trade Mark Licence was not even in existence at the time of filing the said civil suit and as such, subsequent events does not constitute the cause of action, whole or in part, in filing the suit. As the Trial court has categorically gave a finding that the documents, which the petitioner wants to file, has no relevancy with the issues framed and since at the time of hearing of this petition, the learned counsel has failed to show before this court any relevancy of filing the said Trade Mark Licence with the issues framed in the suit, this court finds no merit in the present petition.

Accordingly, the present petition is hereby dismissed as being devoid of merit.

JUDGE

Devananda

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MC(CRP(CRP Art. 227)) No. 50 of 2024

(Ref:- CRP(CRP Art. 227) No. 28 of 2024)

Surjitkanta Ningthoukhongjam

... Petitioner

Vs.

Bijgupta Laishram & ors.

... Respondents

**B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

O R D E R

06-08-2024

In view of the order passed today in the connected petition, the present application stands closed.

JUDGE

Devananda

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Caveat No. 96 of 2024

Bijgupta Laishram

... Caveator

Vs.

Surjitkanta Ningthoukhongjam

... Respondent

B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

O R D E R

06-08-2024

Heard Mr. N. Zequeson, learned counsel appearing for the
Caveator.

Caveat stands discharged.

JUDGE

Devananda