



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

COMMERCIAL APPEAL NO. 459 OF 2025

BETWEEN:

STEER ENGINEERING PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 2013 HAVING
CIN: U05190KA1993PTC015303
HAVING ITS REGISTERED OFFICE
AT NO. 290, 4TH MAIN, 4TH PHASE,
PEENYA INDUSTRIAL AREA,
BANGALORE, KARNATAKA,
INDIA, 560058

REPRESENTED THROUGH ITS AUTHORIZED
REPRESENTATIVE, MS. SHRADDHA BHIDE
SENIOR LEGAL MANAGER

...APPELLANT

(BY SRI. SRINIVASAN RAGHAVAN V, SENIOR ADVOCATE A/W
SRI. SMARAN SHETTY, ADVOCATE)

AND:

1. UVW EXTRUDER
REPRESENTED BY ITS SOLE PROPRIETOR
DASEGOWDA SREENIVASU AND
IS REGISTERED UNDER GST WITH THE
GSTIN: 29AZPPS5111C1Z9
HAVING ITS REGISTERED ADDRESS

Digitally
signed by
NIRMALA
DEVI
Location:
HIGH
COURT OF
KARNATAKA



AT NO. 59, 13TH MAIN ROAD,
SREECHAKRA NAGAR,
ANDRAHALLI, BENGALURU,
KARNATAKA, INDIA 560091

2. MR. DASEGOWDA SREENIVASU
S/O DASEGOWDA,
AGED ABOUT 54 YEARS
RESIDENT OF NO. 59,
GURUKRUPA 13TH CROSS,
NEAR GOLDEN VALLEY PUBLIC SCHOOL,
SRICHAKRANAGAR, BANGALORE,
KARNATAKA, INDIA - 560091

...RESPONDENTS
(BY SRI. SHRIKAR A JAYAGOVIND, ADVOCATE FOR C/R1)

THIS COMAP IS FILED UNDER SEC 13(1-A) OF
COMMERCIAL COURTS ACT, PRAYING TO ALLOW THE
PRESENT APPEAL AND SET ASIDE THE IMPUGNED ORDER
DATED 17.07.2025, PASSED ON IA NO. 2 IN COM.OS.
1364/2023 BY THE LD. LXXXVII ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE (CCH 88) COMMERCIAL COURT,
BENGALURU PRODUCED HERewith AT ANNEXURE A.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE C.M. POONACHA)

1. The present appeal is filed by the plaintiff impugning the order dated 17.07.2025 [**impugned order**] passed on IA.No.2 in Com.O.S.No.1364/2023 by the learned LXXXVII Additional City Civil and Sessions Judge (CCH-88) Commercial Court, Bengaluru, [**Commercial Court**], whereby the said IA.No.2, filed under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 (**CPC**), for an injunction to restrain the defendants from using the plaintiff's Patent or confidential and proprietary information/data/property, and to further restrain the infringement of the plaintiff's Patent in any manner whatsoever, has been dismissed.

2. The relevant facts in brief leading to the current appeal are that the patent application of the plaintiff (Indian Patent Application No.2440/CHE/2008), titled 'Stress Concentration Free Spline Profile', was filed in 2008 and registered as Patent No.318271 (**the suit patent**) in accordance with the provisions of the Indian Patent Act, 1970. The plaintiff has been granted protection for both the driving member, namely "the shaft of the Twin Screw Extruder", and



the driven member, namely 'the element that is assembled on the Shaft'.

3. It is the plaintiff's case that it has built the OMEGA Platform by using the "Continua concentration free spline profile" by replacing the conventional design, and has created the 'OMEGA Series' comprising multiple parts and elements. That suit Patent forms an integral part of the OMEGA series. That the second defendant was its employee, who joined the appellant as an Assistant Manager (Designs) on 02.06.2008 and remained in the Design department until he left the appellant's (the plaintiff company) services in February 2020.

4. The first defendant (respondent No.1 herein) is a proprietorship concern of the second defendant, which was established after his employment with the plaintiff. That the second defendant had executed a Confidentiality Agreement dated 07.10.2014 with the plaintiff. That the defendants have been copying the elements of the suit patent and thereby infringing the same. Hence, the plaintiff filed a suit for a permanent injunction restraining the defendants, or any person claiming through them,



from using the suit patent, and for other reliefs. Along with the suit, the plaintiff filed IA.No.2 for *ad interim* order of temporary injunction to restrain the use of the suit patent or confidential information and proprietary information/data/property of the plaintiff.

5. The learned Commercial Court, vide order dated 05.12.2023, granted the *ad interim* injunction as sought for in IA.No.2. After the defendants appeared, the Commercial Court, vide the impugned order, dismissed IA No. 2 and vacated the interim order dated 05.12.2023. Being aggrieved by the same, the appellant has filed the present appeal.

6. Learned Senior Counsel appearing for the appellant/plaintiff contends that the Commercial Court, having recorded a finding that the plaintiff has a *prima facie* case, erred in dismissing IA.No.2. It is further contended that, admittedly, the plaintiff is the holder of the suit patent, which is the subject matter of the suit, and the plaintiff having amply demonstrated infringement of the same by the defendants, the Commercial Court ought to have allowed IA.No.2.

7. *Per contra*, learned counsel for the respondents/defendants, justifying the impugned order, submits that the defendants are



supplying the products as per the orders placed by their customers and have not in any manner infringed the suit patent held by the plaintiff.

8. Admittedly, the plaintiff is the holder of the suit patent. The defendants have not filed any application to revoke the patent. It is also material to note that the defendants do not question the validity of the suit patent. Thus, undisputedly, the plaintiff has the right to restrain the use of the suit patent without its consent.

9. Along with the plaint, the plaintiff has produced various purchase orders, which clearly demonstrate that the plaintiff is supplying its products with the name " OM 50" as also with the description prefixed as "RFV, RFN, RSE and RKB". The plaintiff has also produced a Quotation dated 20.12.2021 of the first defendant, wherein the quotation for the goods titled "OM 50" have been given. The item description for the goods also contains the prefix "RFV, RFN, RSE and RKB". Plaintiff, being the holder of a registered Patent, is entitled to protection of its intellectual property.

10. Although the learned counsel for the defendant vehemently contends that the defendants are supplying the goods as per the



orders placed by their customers, the similarity in the products which are manufactured and supplied by the plaintiff (which are patented) as well as the goods that are sought to be supplied by the defendants are clear and forthcoming.

11. The Commercial Court having recorded a finding that the plaintiff has made out a *prima facie* case, has erred in dismissing IA.No.2. The balance of convenience lies in favour of the plaintiff. Further, irreparable injury will be caused to the plaintiff if the defendants are not restrained from infringing the suit patent. The trial in the plaintiff's suit must be completed, and until then, the plaintiff is entitled to an injunction restraining the defendants from infringing the suit patent.

12. Before concluding, we may note that the learned Senior Counsel appearing for the plaintiff had restricted the relief sought in the present appeal to an injunction restraining the infringement of the suit patent.

13. In view of the aforementioned, the appeal is allowed to the limited extent that the respondents (defendants in the suit) are restrained from infringing the suit patent by manufacturing, selling



or in any manner offering products that infringe the suit patent during the pendency of the Commercial Suit.

14. Pending IAs., if any, stand disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

Nd/
List No.: 1 Sl No.: 16