

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

C.R.P.NO.3083 OF 2015

ORDER

Heard both the counsel.

2. Aggrieved by the order and decree dated 28.4.2015 passed by the court of XIV Additional District Judge, Vijayawada in I.A.No.1529/2014 in O.S.No.548/2014 in refusing to grant stay of execution of the tender works of the defendant, the plaintiff, filed the present revision.

3. The claim of the plaintiff is that he got patent rights on "TOPI NUT FOR SPEED CHANNEL SLEEPERS ON RAILWAY BRIDGES" and the respondent infringed the patent rights and obtained tenders and executing works in eastern railways by fixing "TOPI NUTS" to the steel channel sleepers on the railway bridges and, therefore the suit for recovery of the amount as damages was filed. Pending the suit, the plaintiff sought a direction for staying of the execution of the works by the defendant. The trial court by the impugned order rejected the petition.

4. From the material on record, it could be seen that the respondent is contesting the suit and as the plaintiff has not placed on record any documentary proof that he got any patent or copy right of the above said product and in the absence of any prima facie case, the trial court rightly rejected to grant stay of the execution of works of the defendant and I do not find any reason to interfere with the impugned order and the revision is devoid of any merits and the same is liable to be dismissed.

5. The revision is accordingly dismissed. No costs.

6. Miscellaneous petitions pending if any shall stand closed.

AVS

07—09—2015