

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2016

CORAM:

THE HONOURABLE MR. **JUSTICE M.M. SUNDRESH**

C.S.No.698 of 2015
& O.A.Nos.936 & 937 of 2015
& Appl.No.5745 of 2015

M/s.Manitou South Asia Pvt. Ltd.,
rep. by its Managing Director,
Mr.Hafeez Khan,
having office at
132, St.Marys Road, A, 'O',
Whispering Heights,
Alwarpet, Chennai 600 118. .. Plaintiff

Vs.

A.Ashfaque Hussain
S/o. Mr.Abdul Hai
No.9A, Astalakshmi Nagar,
Near CRM Nagar, Karaianchavadi,
Poonamallee, Chennai 600 056. .. Defendant

Civil Suit filed under Order IV Rule 1 of the
Original Side Rules read with Order VII Rule 1 C.P.C.,
praying for a permanent injunction restraining the
defendant from taking up and/or continuing in employment
with M/s.JCB India Ltd. or any other person firm company
or association of persons engaged in the same/similar
business as that of the plaintiff for a period of 2 years
as stipulated in Clause 18 of the letter of appointment
dated 01.04.2012; to order permanent injunction restraining
the defendant from using, convening, forwarding,
communicating and/or dealing with the confidential
information (client/customers details, price lists,

discounts, pricing strategy to each customer, quotations to customers, strategy to close sales with customers, source of supply etc.,) of the plaintiff to any person and/or entity; Order of permanent injunction restraining the defendant herein from interfering with the business activities of the Plaintiff in any manner by inducing the employees of the Plaintiff to leave the services of the plaintiff and in joining the services of M/s.JCB India Limited or any other person, firm, company or association of persons engaged in the same/similar business as that of the Plaintiff and to pay costs of this suit.

For Plaintiff : Mr.K.M.Aasim Shehzad

For Defendant : Mr.Perumbulavil Radhakrishanan

JUDGMENT

By consent the suit itself is taken up for hearing. The suit has been filed against the defendant stating that being the erstwhile employee of the plaintiff is seeking to resign the present employment as he has got attractive employment offers with the rival company in which the defendant is working at present. Secondly, it is alleged that the defendant is passing all the confidential information available with the plaintiff.

2. Counter affidavit has been filed denying the above said allegations. It has been specifically stated that the defendant is neither making any attempt to facilitate the employment for the present employee of the plaintiff with M/s. JCB Pvt. Ltd., Hyderabad nor passing on any

confidential information, over which, exclusivity is claimed by the plaintiff.

3. In view of the specific stand taken nothing more survives for adjudication in the suit. Accordingly, with consent, the following decree is passed:

(i) defendant shall not make any attempt to facilitate the employment for the present employees of the plaintiff to be employed with M/s. JCB Pvt. Ltd.,

(ii) the defendant shall not furnish any confidential information over which the plaintiff has got exclusive right, in favour of M/s.JCB Pvt. Ltd.,

4. The suit has been decreed in the above said terms. In view of the order passed in the suit, the applications are accordingly closed.

Sd/ .M.M.S.J

20.07.2016

//Certified to be a true copy//

Dated this the day of 2016

S.s/12.08.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.