

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2016

CORAM :

THE HON'BLE MR. JUSTICE M.M. SUNDRESH

C.S.No. 21 of 2012

1. Mr. Subramanian Venkataraman
2. Mr. Venkataraman Guruprasad ... Plaintiffs

vs

1. Precision Automation and Robotics
India Limited,
38/2, Narhe, Tal – Haveli
Pune – 411 041
Maharashtra, India.
2. Saravana Stores
10, Purasawalkam High Road
Purasawalkam
Chennai- 600 007. ... Defendants

Plaint filed under Order IV Rules 1 of the Original Side Rules r/w
Order VII Rule 1 of C.P.C and Section 106 of Indian Patent Act, 1972.

For Plaintiffs .. Mr. J. Srinivasa Mohan
For Respondents .. Mr. B. Suchindran for D-1

JUDGMENT

This suit has been laid for the following reliefs :-

- (a) for permanent injunction restraining the defendants, their men,

agents or anyone claiming under them, from in any way using the claims and principle for multilevel car parking, patented by the plaintiffs in Patent No. 224911, and

- (b) For mandatory injunction against the defendants to destroy the goods, materials and implement including the installation of multilevel car parking, at 2nd defendant's place described in schedule of property, use of which has resulted in infringement of Plaintiff's Patent No. 224911.
- (c) For rendering true Accounts, for the unauthorised use of the plaintiff's patent and pay such amount to the plaintiffs as may be determined by the Court.

2. Pending suit, the 2nd defendant has been set ex-parte. Today, when the matter was taken up for hearing, a joint withdrawal memo dated 12.09.2016, has been filed by the plaintiffs and the defendant No.1. The plaintiffs and the 1st defendant are also present before this Court. The joint memo has been duly signed by the parties and attested by the counsel for the parties.

3. In terms of the joint withdrawal memo, the suit as well as the counter claim are hereby dismissed as withdrawn. The Joint

Withdrawal Memo dated 12.09.2016, shall form part and parcel of the judgment decree.

12.09.2016

Index:Yes/No
Internet:Yes/No

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To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

M.M.SUNDRESH, J.

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C.S.No.21 of 2012

12.09.2016

A. Nos. 5826 & 5827 of 2015
in
E.P. No. 194 of 2004

M.M.SUNDRESH J.,

After hearing the arguments, this Court suggested two methodology to the Judgment Debtor. One is to make division of the property, for the purpose of effecting sale to the extent of satisfying the liability to the appellant and the bank. The second option is to go for the sale of the entire suit property to ascertain the value and then decide the further course of action. Learned counsel appearing for the Judgment Debtor seeks time to get instructions in this regard. Post on 30.08.2016 "for orders".

2. In the meanwhile, it is open to the Judgment Debtor to have a discussion with the Bank on the question of damages payable, to resolve the dispute between them.

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18.08.2016

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