

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.01.2017

PRONOUNCED ON: 14..02.2017

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THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

OA.No.1163 of 2016

in

C.S.No.373 of 2012

Dr.G.Srinivasan

.. Plaintiff

vs.

1. M/s. Voltamp Transformers Limited
No.8, 17th Avenue
Harrington Road,
Chetpet, Chennai -600 031

2. M/s.Apt Samiriddhi Engineering Consultants
426/3, Basant Bahar, Model Colony
Behind Govt.Polytechnic College
Chatushringi Road, Pune – 411 016

3. M/s. PV Technologies India Limited
Oz-2, Oz – 3, Oz-4
Hi Techsez, Sipcot Industrial Park -3
Oragadam, Sriperampudur Taluk
Kancheepuram District

.. Defendants

Application filed under Order 14 Rule 8 of O.S.Rules read with Order VI Rule 17 & 151 of CPC praying for an injunction order with the prayer amendment incorporated after examining the documents of the plaintiff and the defendant in the above case in C.S.No.373 of 2012.

For Applicant (party-in-person) : Dr.G.Srinivasan

For respondents : M/s.Arun C.Mohan &
R.Prashanthi

ORDER

The captioned application has been filed by the original plaintiff, *party-in-person*, seeking interim injunction, after incorporation the amendment based on the examination of the documents of the plaintiff and the defendants.

2. By way of this application, the original plaintiff is claiming 40 crores as additional compensation apart from 10 crores, as claimed in the suit.

3. It is the case of the applicant /original plaintiff that taking advantage of the suit, the defendants have manufactured 363 Midget transformers. Therefore, the applicant/original plaintiff is entitled to get compensation of Rs.1,00,000/- (Rupees One lakh only) per transformer, totalling Rs.40,00,00,000/- (Rupees Forty crores only)

4. The learned counsel for respondents/original defendants, though not filed a counter affidavit, contended that the application is clear abuse of process of law. According to the learned counsel, the application is filed by way of complaints not only against the Registry but also against the counsel on record, who is appearing for the defendants. In fact, he has also filed complaint against the counsel for the defendants before the Bar Council of India with flimsy grounds. Further, the learned counsel for the defendants submitted that the application is not at all maintainable.

5. It is also the submission of the learned counsel for the original defendants that the captioned application seeking amendment has been filed only on the basis of the admissions made by the defendants at the time of trial. Such an amendment will totally change the nature of the suit. Hence the learned counsel for the original defendants opposed the application.

6. I have considered the rival submissions of the parties and perused the records.

7. Though the captioned application has been filed to amend the prayer, in the very same application, the original plaintiff has also sought various reliefs, including the rejection of documents filed on the side of the defendants, apart from seeking compensation of Rs.40,00,00,000/- (Rupees Forty Crores only). It is the contention of the applicant/original plaintiff that pending disposal of the suit, the defendants have manufactured

many transformers and, therefore, he is entitled to royalty to the tune of Rs.40,00,00,000/- (Rupees Forty Crores only).

8. It is pertinent to point out that the captioned application is filed after the full-fledged trial in the suit and based on some admissions said to have been made by the defendants in the trial. The nature of application not only changes the character of the suit but appears to be very frivolous in nature. The various relief claimed in the application cannot be ordered, as the evidence is already over and the suit is at the stage of arguments.

9. Be that as it may, to prove the so called allegations that the defendants have manufactured many transformers and sold the same for crores of amount, no scrap of paper is produced by the plaintiff to substantiate the same. Therefore, this Court is of the view that the application lacks merits and is liable to be dismissed.

10. The captioned application is, accordingly, dismissed as devoid of merits.

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N.SATHISH KUMAR, J

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Original Application No.1163 of 2016

in

C.S.No.373 of 2012

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