

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :22.10.2019

Coram

The Honourable Mr.Justice N.SATHISH KUMAR

C.S. No. 922 of 2007

1. Meto Polymers Private Limited,
No.13, Cenotaph Road,
Chennai – 600 018.
rep. By its Director,
Mr. Rahul Ranganathan.
2. Mr.Pradeep Ranganathan ...Plaintiffs

Versus

1. Hindustan Healthcare Products,
Rep. By its Partner Mr.Ratnavel,
(Father's name no known to the plaintiffs)
No.15, Mooku Street,
Kosappet, Chennai – 600 012.
and at No.134, Nyniappa Naicken Street,
Chennai – 600 003.
2. Mr.Ratnavel
Partner
Hindustan Healthcare Products,
No.15, Mooku Street,
Kosappet, Chennai – 600 012.
and at No.134, Nyniappa Naicken Street,
Chennai – 600 003.

3. Mr.Abdul Azeez,
Manager cum partner,
Hindustan Healthcare Products,
No.15, Mooku Street,
Kosappet, Chennai – 600 012.
and at No.134, Nyniappa Naicken Street,
Chennai – 600 003.

...Defendants

This Civil Suit is filed under Order IV Rule 1 of Original Side Rules Read with Sections 108 and 109 of Patents Act, 1970 as amended by the Patents (Amendment) Act, 2005, prayed

(a) For a permanent injunction restraining the Defendants their dealers, distributors, agents, servants, men or any person claiming through or under them from in any manner of infringing upon the registered patent granted to the second plaintiff in respect of the manufacture and sale of the product articles viz., "water beds",

(b) Directing the defendant to render true and proper accounts to the plaintiff in respect of the manufacture and/or sale of the product water beds,

(c) Consequently directing the defendants to pay the damages of the plaintiffs at Rs.25,000/- or at such some determined, upon such enquiry,

(d) Costs of the above suit,

(e) Such other reliefs in the interest of justice.

For Plaintiff : Mr.C.V.M. Appaji

For Defendants : No appearance

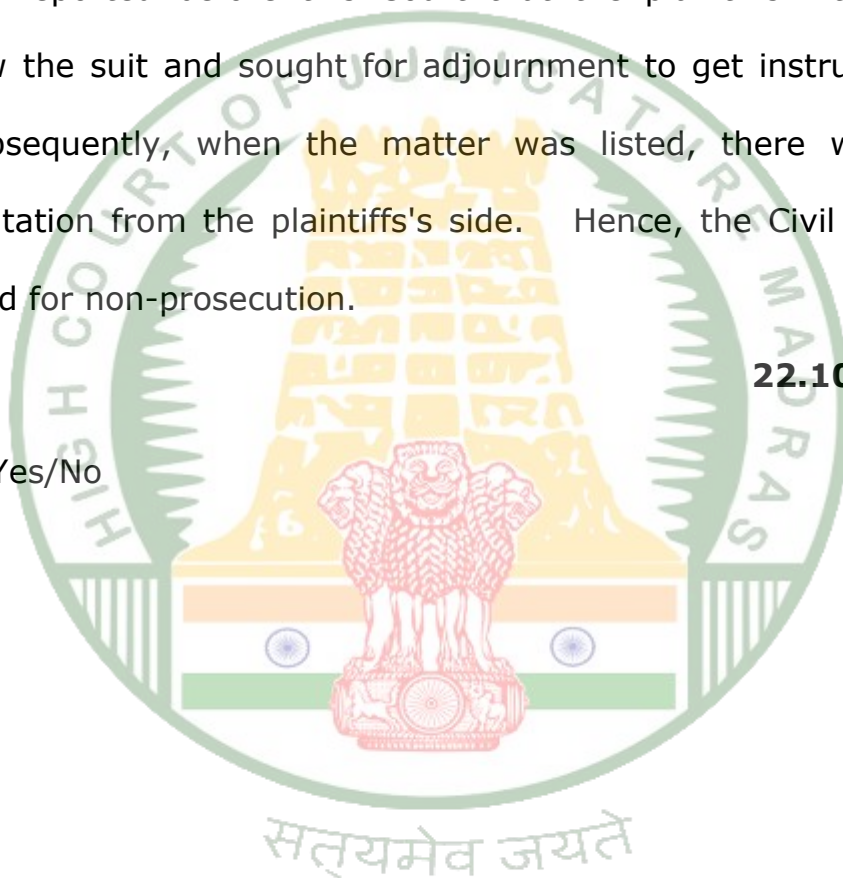
J U D G M E N T

On earlier occasion, when the matter was taken up for hearing, i.e., 16.10.2019, the learned counsel appearing on behalf of the second defendant made a submission before this Court that totally, there are three defendants in the suit, and the suit in respect of defendants 1 and 3 has already been dismissed by the learned Master, as early as on 09.10.2009, and therefore, the suit has become infructuous, as the second defendant is only an employee of the first and third defendant, who are stated to be the partners of the Company, viz., Hindustan Health Care Products, and there is no application taken out by the defendants 1 and 3 to set aside the said dismissal order. The learned counsel appearing for the plaintiff sought for an adjournment to get instructions in this regard. In view of the said request, the matter was directed to be posted on 21.10.2019. Subsequently, when the matter was listed on 22.10.2019 (i.e. Today), none appeared on behalf of the

plaintiffs. Thus, it appears that the learned counsel appearing for the plaintiffs is not interested in prosecuting the matter. Further, it is pertinent to mention here, even on last two occasions, i.e., on 08.07.2019, 22.07.2010, the learned counsel appearing for the plaintiffs reported before this Court that the plaintiffs intend to withdraw the suit and sought for adjournment to get instructions, but, subsequently, when the matter was listed, there was no representation from the plaintiffs's side. Hence, the Civil Suit is dismissed for non-prosecution.

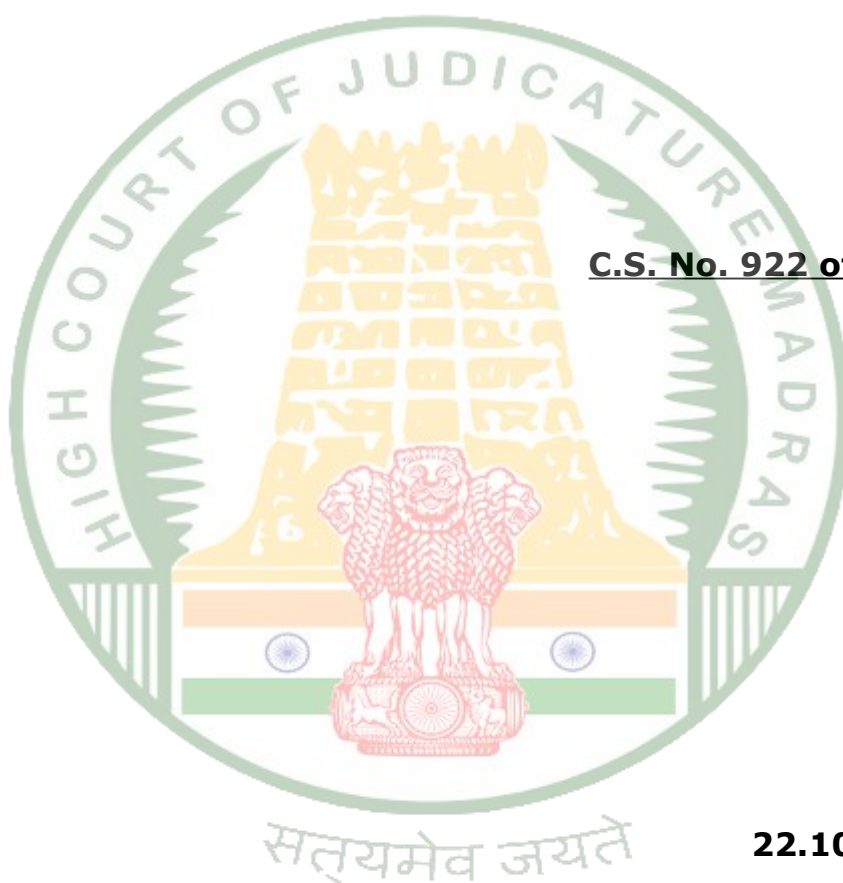
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N.SATHISH KUMAR, J.,
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