

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2019

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The Honourable Mr.Justice KRISHNAN RAMASAMY

C.S.(Comm.Div.)No.793 of 2009

Mrs.Deepa Reddy

...Plaintiff

Versus

M/s.Stylkist Pvt. Ltd.,
Rep. by Ms.Maya Hari,
218, Crystall Mall Plaza,
2nd Floor, 33rd Road, (Close to KFC)
Bandra W
Mumbai - 400 050.

...Defendant

Prayer:

Plaint filed under Order VII Rule 1 of the Code of Civil Procedure r/w Order IV Rule 1 of the Original Side Rules of the Madras High Court, Section 62 of the Copyright Act for the following reliefs:

(a) To declare the plaintiff to be the sole and absolute owner of the copyright in artistic work titled "BODHI TREE" as shown in Document No.1 of the Plaintiff Documents.

(b) To grant a permanent injunction restraining the defendant by themselves or their men, servants, partners, heirs, legal representatives, agents, distributors, affiliates, subsidiaries, holding company or any one claiming under them from in any manner infringing upon the copyright of the plaintiff in any manner.

(c) the defendants be directed to pay a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) towards damages.

(d) to pass a preliminary decree in favour of the plaintiff directing the defendants to render true and complete accounts of all transactions

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and profits made by the defendants through the sales of any goods in which the image of the plaintiff has been reproduced.

(e) for costs of the suit.

For Plaintiff : No Appearance
For Respondent : Set ex-parte

J U D G M E N T

By order dated 05.01.2017, the sole defendant was set ex parte by this Court. Thereafter, when the matter was taken up for hearing on 06.06.2019, the plaintiff's counsel submitted that he has no instructions from his client. Hence, the matter was adjourned to be listed on 07.06.2019 i.e., today.

2. Accordingly, the matter is listed today. Even today, when the matter was called, none appeared on behalf of the plaintiff. Therefore, this Commercial Suit is dismissed for non-prosecution. No costs.

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Index : Yes/No

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