

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.S.No.36 of 2016

and

O.A.No.133 of 2016 and Application No.1176 of 2016

1.Madras Palaniappa Brothers
2.Palaniappa Brothers

... Plaintiffs

..Vs..

Kuzhalini Publications
11/11, SubbiahPillaiValagam,
Gopal Nagar Extension
Dindugal-624 001.

... Defendant

PRAYER: Plaint under Order VII, Rule 1 of Civil Procedure Code 1908 and Order IV Rule 1 of O.S.Rules, 1956 Read with Sections 51, 55, 58, and 62 of the Copyright Act, 1957, praying for a Judgment and Decree against the defendant (a) Granting permanent injunction restraining the defendants, their men, agents, servants, printers, stockiest or any other person claiming through him from in any manner reproducing, publishing, printing or selling the whole or any part of the plaintiffs' literary works, in particular

the tamil notes of the plaintiffs titled "Konar Tamil Urai" for standard 10 (Plaint Document Nos.1) by printing and publishing the defendant's tamil notes titled "YAZHINI ELIYA VAZHIKATI" for standard 10 (Plaint Document No.4) or under any other name or form or from in any manner infringing the copyright of the plaintiffs; (b) directing the defendant to surrender to the plaintiffs for destruction all copies of tamil notes titled "YAZHINI ELIYA VAZHIKATI" for standard 10 (plaint Document No.4) which is infringing the plaintiffs' copyright contained in its "Konar Tamil Urai" notes for class 10, and all materials including plates, negatives, software etc used or intended to be used for production of such infringed copies; (c) for preliminary decree in favour of the plaintiffs directing the defendant to render accounts of the figure of publications of the infringing copies, of copies sold and of copies unsold as well as profits made by the defendant by the infringement of plaintiffs' copyright in "Konar Tamil Urai" for standard 10 filed as **Plaint Document No.1**, followed by a final decree in favour of the plaintiffs for payment of amount of profits found to have been made by the defendant by such infringement; (d) For costs;

For Plaintiffs : Mr.Madhan Babu

For Respondent : Mr.D.Balachandran

J U D G M E N T

The learned counsel for the Plaintiff would submit that school syllabus has been changed and therefore the suit has become infructuous. Hence, he seeks permission of this Court to withdraw this suit. He has also made the following endorsement:

"Since, the school syllabus has changed, the suit may be withdrawn."

2. Based on the submission made by the learned counsel for the Plaintiff and also in view of the endorsement made, this Civil Suit is dismissed as withdrawn. No costs. Consequently, connected applications are closed.

15.07.2019

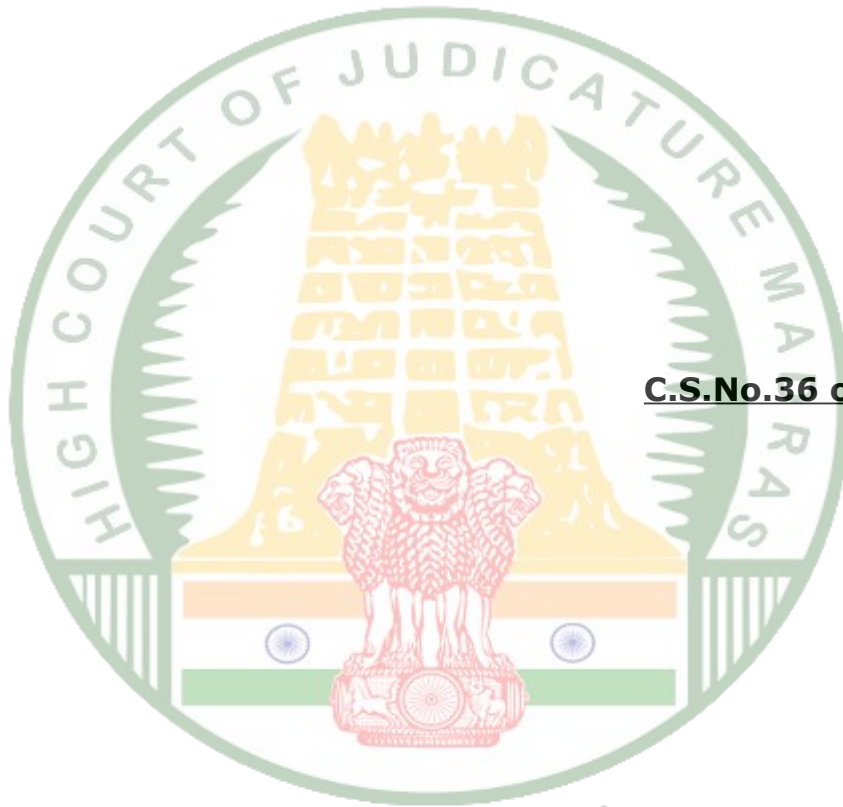
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KRISHNAN RAMASAMY, J

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