

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2019

Coram

The Honourable Mr.Justice KRISHNAN RAMASAMY

**C.S.No.596 of 2016
and O.A.Nos.729 to 732 of 2016
and A.Nos.4258 to 4260 of 2016**

Citec Engineering India Private Limited
a company incorporated under the
provisions of the Companies Act, 1956
and having its registered office at
Hermes Atrium, Plot No.57, Sector - 11,
CBD Belapur, Navi Mumbai - 400 614
and branch office at SKCL Central
Square - II, Fourth Floor, Thiru-Vi-ka
Industrial Estate, Guindy,
Chennai - 600 032.

Represented by Mr.Sampath Kumar (authorized signatory)

...Plaintiff

Versus

- 1.Mr.G.Sathish Babu
- 2.M.Maheshwaran
- 3.K.Muthukumar
- 4.Athiappan.T
- 5.Arunachalam Muthukumar
- 6.Shivakumar.T
- 7.PE - Aristi Projects and Engineering
Private Limited (formerly known as
Aristi Projects and Engineering Private Ltd.),
a company incorporated under the
provisions of Companies Act, 1956
and having its registered office at Guna
Complex, Annex - I, 6th Floor,
D.No.443 & 445, Anna Salai, Teynampet,
Chennai - 600 018.

...Defendants

This suit is filed under Order IV Rule 1 of the Original Side Rules, 1956 r/w Order VII Rule 1 of the Code of Civil Procedure, 1908 r/w Section 61 & 62 of the Copyrights Act for the following reliefs:

(a) permanent injunction restraining the defendants, their men, agent, representative or any person on their behalf of them from divulging, or disseminating the confidential information of the plaintiff as defined in Schedule A and as provided by the defendants pursuant to Prayer (f) to third parties or otherwise exploiting the same for their own benefit;

(b) permanent injunction restraining the defendants, their agents, servants, contractors, or anybody claiming under them from directly or indirectly soliciting, any of the customers of the plaintiff set out in plaint document No.24;

(c) permanent injunction restraining the defendants by themselves, their directors, partners, men, servants, agents, associates, officers, representatives, franchisees, licensees and/or all other persons acting on their behalf from in any manner infringing and/or enabling others to infringe the plaintiff's copyright in the computer database the documents of which are described in Schedule A and in each of the documents individually, specifically by reproducing, issuing copies of, communicating to the public, selling or public, selling or offering for sale, adaption, or infringing by any other means whatsoever, the plaintiff's copyrighted work;

(d) declaration declaring that defendant No.1, defendant No.2, defendant No.3, defendant No.4, defendant No.5 and defendant No.6 have breached the terms of their appointment letters being

Ref.No.Citec\HR\BF\C\1004 dated 18.02.2008, Ref.No. Citec\HR\BF\C\0018 dated 13.10.2008, dated 22.12.2005, Ref.No.Citec\HR\MM\AL\C\10\0003 dated 24.09.2010, Ref.No.Citec\HR\AL\T\14\1041 dated 23.12.2014 and Ref.No.Citec\HR\MM\AL\C\10\1001 dated 07.03.2011 respectively with the plaintiff;

(e) permanent injunction restraining the defendant No.1, defendant No.2, defendant No.3, defendant No.4, defendant No.5 and defendant No.6 from acting in continuing breach of Clause 5(c) of their appointment letters being Ref.No.Citec\HR\BF\C\1004 dated 18.02.2008, Ref.No.Citec\HR\BF\C\0018 dated 13.10.2008, dated 22.12.2005, Ref.No.Citec\HR\MM\AL\C\10\0003 dated 24.09.2010, Ref.No.Citec\HR\AL\T\14\1041 dated 23.12.2014 and Ref.No.Citec\HR\MM\AL\C\10\1001 dated 07.03.2011 respectively with the plaintiff;

(f) mandatory injunction directing the defendants to disclose in an affidavit the confidential information/data that are in the possession in the plaintiff and to return all such confidential information/data that are in possession of the defendants to the plaintiff;

(g) direct that the costs of the suit be paid by the defendants to the plaintiff.

For Plaintiff : Mr.Ashwin Shanbhag
For Defendants : No Appearance

KRISHNAN RAMASAMY, J.,
mrr

J U D G M E N T

The learned counsel appearing for the plaintiff seeks the permission of this Court to withdraw the suit and he has also made an endorsement to that effect.

2. In view of the submission coupled with an endorsement made by the plaintiff's counsel, this Civil Suit is dismissed as withdrawn. No costs. Consequently, connected Applications are closed.

26.06.2019

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Index : Yes/No

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