

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 05TH DAY OF AUGUST 2019

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

C.S.NO.208 OF 2011

1. MR.P.RADHAKRISHNAN
REP. BY HIS POWER OF ATTORNEY,
MRS.LAKSHMI MUKILAN, M2/D, ANUGRAHA COLONY,
3RD AVENUE, ASHOK NAGAR, CHENNAI-83. ... Plaintiff

Vs

T.V.S.MOTOR COMPANY LIMITED,
JAYALAKSHMI ESTATES,
NO.29, HADDOWS ROAD,
CHENNAI-600 006 ... Defendant

This Civil Suit coming on this day before this court
for hearing the court made the following order:

*This suit is listed under the caption for 'CASE
MANAGEMENT HEARING' today.*

2. The learned counsel for the sole plaintiff and the
learned counsel for sole defendant are before this
Commercial Division.

3. Draft issues have been filed by both sides.

4. After examining the pleadings and the documents
produced before this Court and on examination conducted by
this Court under Rule II Order X Rule of Civil Procedure
Code, this Court frames the following issues:-

*"1. Whether the plaintiff is
having valid patent granted in his
name in respect of the invention
claimed?*

2. Whether the suit is barred by limitation?

3. Whether the plaint discloses a valid cause of action?

4. Whether the suit filed inter alia under Section 114 of the Patents Act, 1970 is maintainable?

5. Whether the plaintiff has proved the defendant's engine is in infringement of the plaintiff's Indian Patent No.182682?

6. Whether the plaintiff's patent can be enforced through a permanent injunction in the absence of any economic significance and without the Patent being commercially worked?

7. Whether the plaintiff is entitled to claim damages and if so, to what amount?

8. To what other reliefs are the parties entitled? " जयते

5. The learned counsel for plaintiff is directed to file the Proof Affidavit on or before 20.08.2019 and cross examine the witnesses of defendant's side on or before 20.09.2019.

6. The learned counsel appearing for the defendant has already filed proof affidavit. Therefore, the learned counsel for the plaintiff is directed to cross examine the witnesses of defendant side on or before 31.10.2019.

7. Both the parties are directed to file their written arguments on or before 12.11.2019.

8. The aforesaid time schedule shall be followed by the parties before the learned Additional Master IV scrupulously and learned Additional Master is directed to permit both the parties to cross-examine their respective witnesses on day to-day basis.

9. Registry is directed to post this matter before the learned Additional Master IV for carrying out aforesaid exercise and thereafter, list the matter before this Court for arguments on 25.11.2019.

Sd/-K.R.J.
05.08.2019

//Certified to be a true copy//
Dated this the day of 2019.

SU/19.08.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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