

A.No.1677 of 2020

in

C.S.No.987 of 2008

C.V.KARTHIKEYAN,J.

The 3rd defendant in the suit has filed the present application seeking return of documents marked as Exs.D19 to D27. The suit had been filed taking advantage of the Sections 55 and 62 of the Copyright Act, 1957 and relevant rules of the Original Side Rules, Madras High Court and Code of Civil Procedure.

2.Naturally, the lis is a commercial dispute and therefore, the Commercial Division of this Court can exercise jurisdiction. This is recorded because, in the application seeking return of documents, I have to examine whether this Court has jurisdiction to order the same or whether it should be done by the Original Side of the Madras High Court.

3.At any rate, since the dispute involved is commercial in nature relating to intellectual property right, application is entertained.

4.The suit as such in C.S.No.987 of 2008 was dismissed by a judgment of this Court on 15.10.2019, after recording the evidence of both sides and after full trial. Now the 3rd defendant who had filed the said

documents which were marked as Exs.D19 to D27, has filed the present application to return the documents.

5.Heard Mr.Perumbulavil Radhakrishnan, learned counsel for the plaintiff, also.

6.The application is allowed since the applicant is seeking return of the documents filed by them.

7.However, Registry may replace the original documents with certified xerox copies and return the marked Exhibits D19 to D27 under proper identification and acknowledgment. The learned counsel for the applicant / 3rd defendant stated that they would bear the necessary charges towards the preparation of certified xerox copies. It is informed by Mr.T.Mohan learned counsel that Mr.N.Kuppusamy, learned counsel is authorised to get back the original documents.

8.The Registry may complete this process on or before 18.09.2020.

27.08.2020

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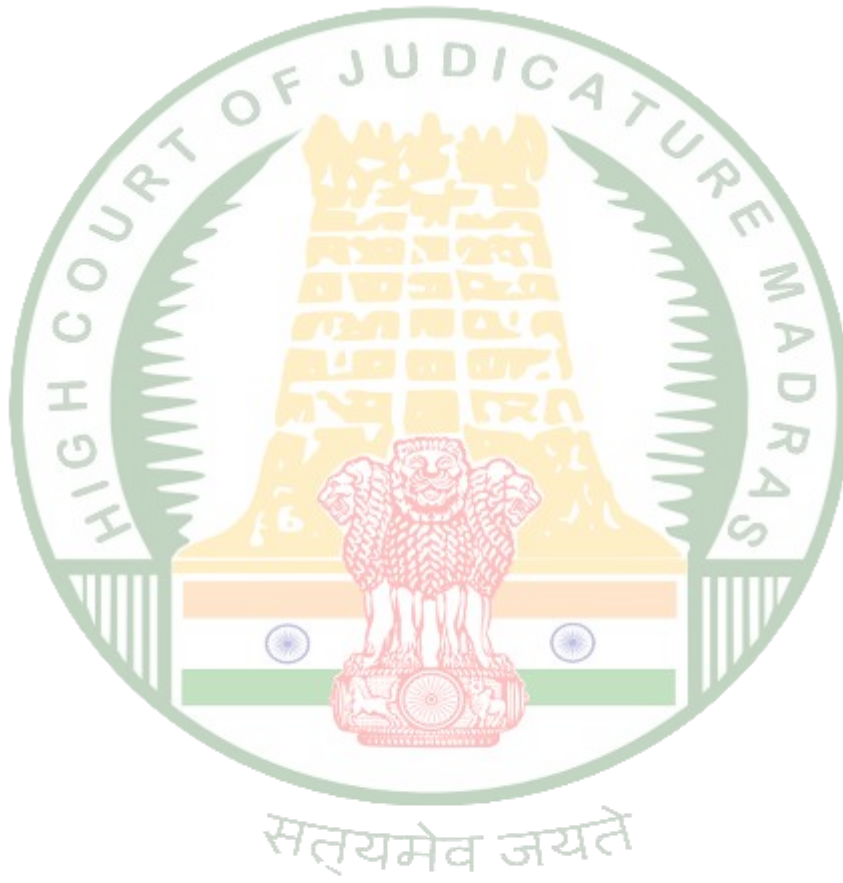
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