

Application No.9831 of 2019
in
C.S.No.873 of 1998

DR. G. JAYACHANDRAN, J.

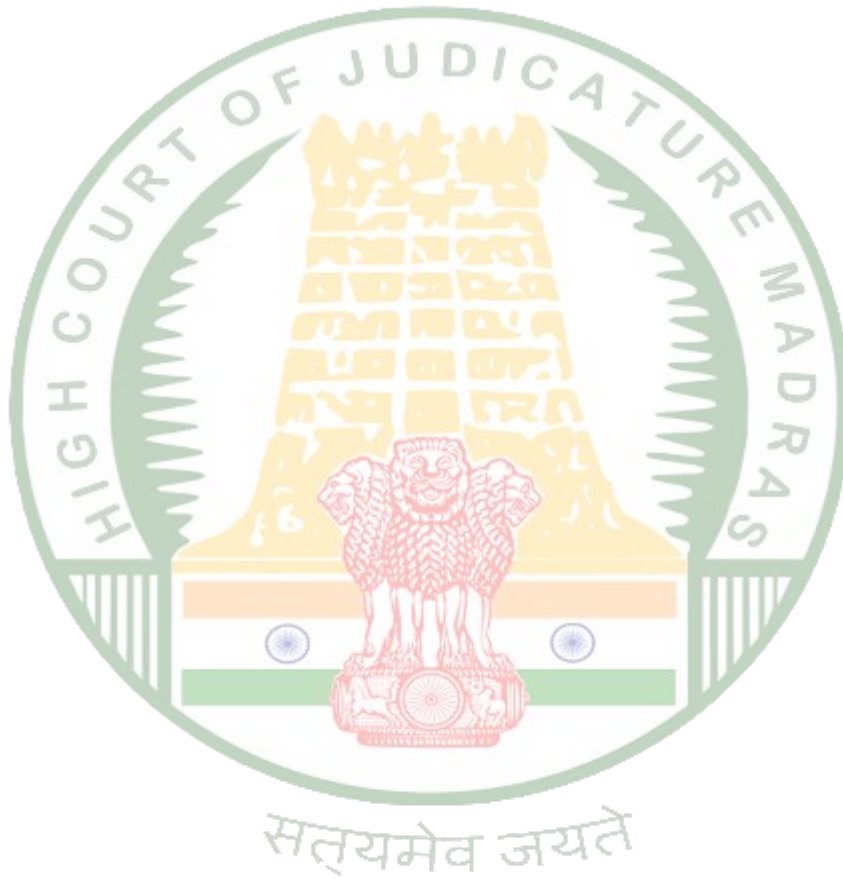
The Suit was 'dismissed for default' on 06.09.2019, since there was no appearance on behalf of the plaintiff, despite the matter has been adjourned on various occasions without progress. Affidavit filed for restoration of the Suit. It is stated that the Counsel on record filed the suit was elevated as Judge of this High Court and the second counsel on record was not able to proceed with the case due to his personal inconvenience, the Suit was 'dismissed for default'.

2. The learned counsel appearing for the defendants would submit that nothing survives in the suit, since the very same issue has been agitated between the parties before the District Court, Chengalpattu and the plaintiff has lost the case.

3. However, the learned counsel appearing for the plaintiff submit that the suit is in respect of different copyright and design, not for the copyright which is the subject matter of the present suit.

4. The notes papers indicate that the present counsel on record for the plaintiff has filed his vakalat in the Month of August 2018

and thereafter, the matter was listed more than three occasions before being 'dismissed for default'.



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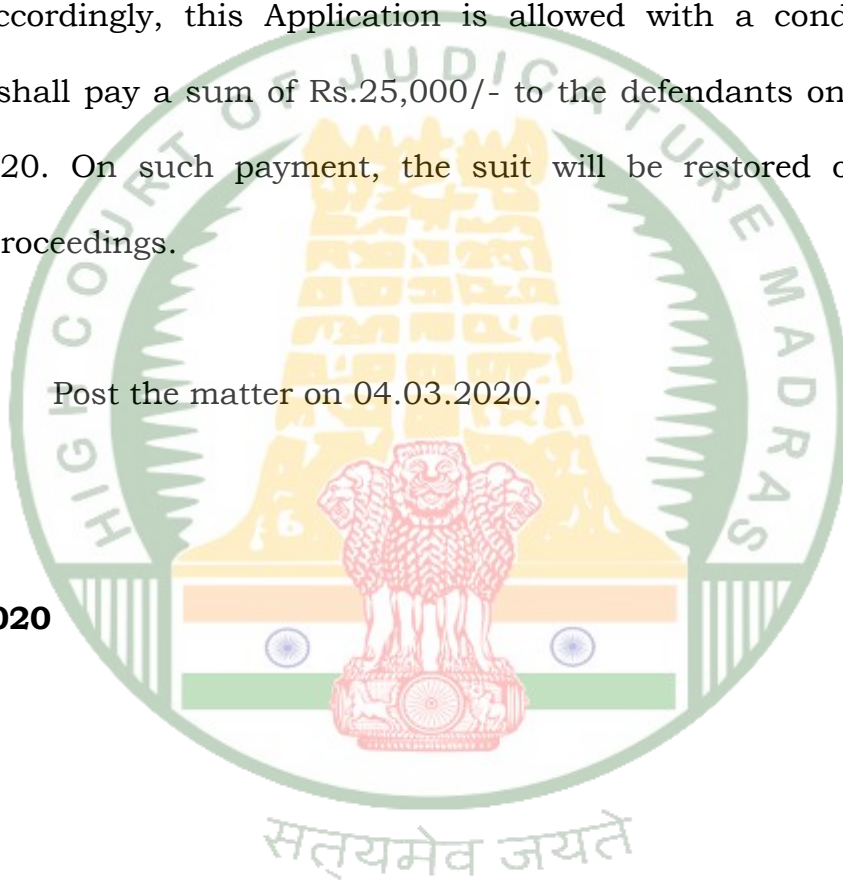
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5. In the said circumstances, this Court finds that the application to restore the suit filed can be allowed by imposing heavy costs. Accordingly, this Application is allowed with a condition, the plaintiff shall pay a sum of Rs.25,000/- to the defendants on or before 28.02.2020. On such payment, the suit will be restored on file for further proceedings.

6. Post the matter on 04.03.2020.

20.02.2020

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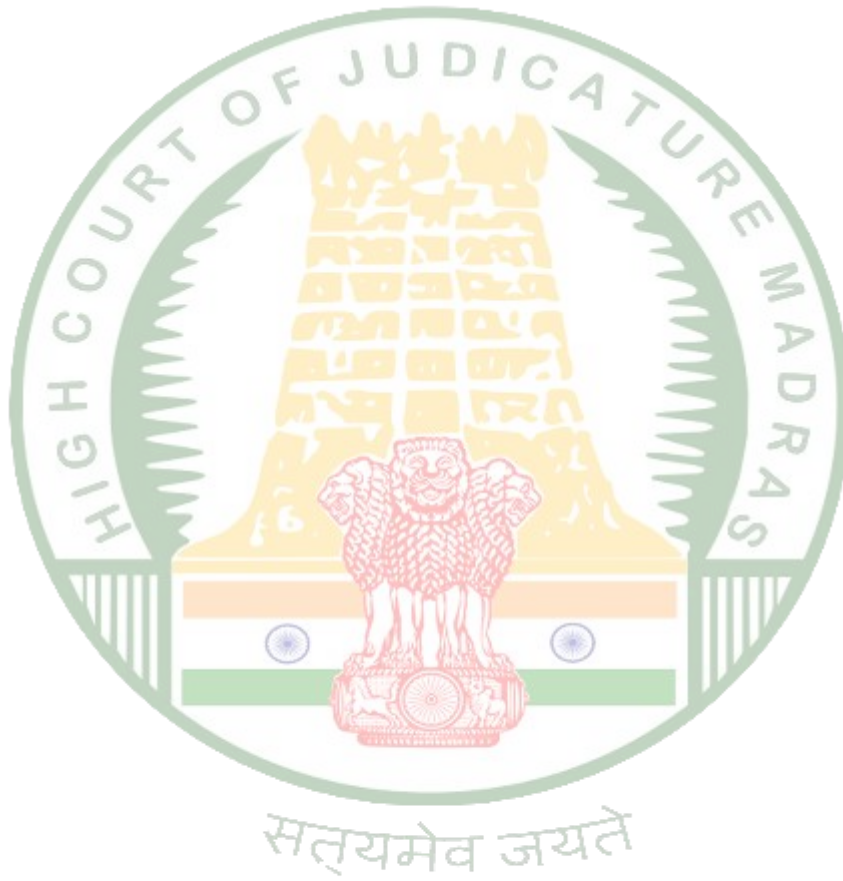


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