



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 31ST DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No.494 of 1999

1. L.G.Varadarajulu
(Deceased on 19.05.2010)
residing at 166/BB, Tea Estates Compound,
Race Course, Coimbatore.

2. *Dark Horse Portfolio Investment Limited
*(Amended as per order dated 02.08.2021 in
Appl. No. 2608 of 2021 in C.S.No.494 of 1999)
registered office at India House, 144/3 Trichy Road,
Coimbatore- 641 018.

3. M/s.ELGI Ultra Industries Ltd.,
registered office at ELGI House,
Trichy Road, Coimbatore-641 045.

... Plaintiffs

-Versus-

*Asiatic Engineers Private Limited,
13/11, East Patel Nagar,
New Delhi.
*(Amended as per order dated 11.01.2000 in
Appl. No. 4086 of 1999 in C.S.No.494 of 1999)

... Defendants

C.S.No. 494 of 1999

Civil Suit praying that this Hon'ble Court be pleased to pass a
judgment and Decree against the Defendants as follows:



their men, servants, agents assigns and each and any other person claiming under them, from, in any way manufacturing or selling or offering for sale or marketing or advertising or otherwise dealing with their product Maharaja Whiteline Supra Table Top Wet Grinders or any variation thereof which uses and/ or utilises the claims and representations of the plaintiffs' design bearing No.163445 and 163446 and/ or any part or portion thereof and/ or which comes within the range scope and/ or purview of the said design or any part thereof;

b) A decree of perpetual injunction, restraining the defendants, their servants, agents assigns and each one of them, from passing off and selling their table top wet grinders with their existing design which is a flagrant copy of the plaintiff's registered design;

c) Delivery up upon oath of all dies, casts, apparatus etc., relating to manufacture of table top wet grinders by the defendants, their servants, agent and assigns and each one of them that in any manner have infringed Registered Design Nos.163445 & 163446 dated 25th July 1991 and verification upon oath that the defendants do not have in their possession, power, control or custody any such infringing dies, casts or apparatus.

d) A decree of perpetual injunction restraining the defendants, their servants, agents and assigns and each of them from in any way, infringing the plaintiff's copy right in its instruction manual or any part or



portion thereof in any manner whatsoever

WEB COPY

e) Decree for damages for Rs.1,00,000/- as claimed hereinabove as loss and damages suffered by the plaintiffs together with interest at 24% per annum from the date of plaint to the date of realisation;

f) directing the defendants and each of them, their servants, agents and assigns to render true and faithful accounts in respect of the infringing goods sold by the said defendants which infringed Design and direct an enquiry into the loss and damage suffered by the plaintiffs by reason of the aforesaid wrongful acts and infringement and pass a decree for the amount due and payable upon such enquiry and

g) directing the defendants to pay the costs of the suit.

This civil suit coming on this day before this court for hearing in the presence of Mr.Harsha Vardhanan Ganesan for Mr.R.Partha Sarathy Advocates for the Plaintiffs herein and Mr.Ram Kumar for Mrs.Nrindha Mohan, Advocates for the defendants herein and upon reading the plaint filed herein and the learned counsel representing the counsel for the plaintiff having submitted that they have instructions to withdraw the suit and the court doth recording the same, **it is ordered as follow:-**

That the suit in C.S.No. 494 of 1999, be and is hereby dismissed as withdrawn.



WEB COPY

2) That there shall be no costs of the suit.

WITNESS, THE HON'BLE MR.JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT OF MADRAS AFORESAID, THIS THE
31ST DAY OF AUGUST 2021

Sd/-
ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
From 25th Day of September 2008 the Registry is issuing certified copies
of the Orders/Judgments/Decrees in this format.



NS

08.10.2021

WEB COPY

5

C.S.No. 494 of 1999

DECREE

DATED 31/08/2021

THE HON'BLE MR.JUSTICE

R.SUBRAMANIAN

FOR APPROVAL: 22/10/2021

APPROVED ON: 25/10/2021



WEB COPY

6

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.494 of 1999

1. L.G.Varadarajulu
(Deceased on 19.05.2010)

2. Dark Horse Portfolio Investment Limited
(Amended as per order dated 02.08.2021 in
Appl. No. 2608 of 2021 in C.S.No.494 of 1999)

3. M/s.ELGI Ultra Industries Ltd.,

...Plaintiffs

Vs.

Asiatic Engineers Private Limited,
13/11, East Patel Nagar,
New Delhi.
(Amended as per order dated 12.01.2000 in
Appl. No. 4086 of 1999 in C.S.No.494 of 1999)

...Defendant

PRAYER: Complaint FILED under Order IV Rule 1 of O.S.Rules read with
Order VII Rule I of the Civil Procedure Code; and Sections 53 and 54 of the
Designs Act, 1911 and Sections 55 and 58 of The Copyright Act praying
for:



their men, servants, agents assigns and each and any other person claiming under them, from, in any way manufacturing or selling or offering for sale or marketing or advertising or otherwise dealing with their product Maharaja Whiteline Supra Table Top Wet Grinders or any variation thereof which uses and/ or utilises the claims and representations of the plaintiffs' design bearing No.163445 and 163446 and/ or any part or portion thereof and/ or which comes within the range scope and/ or purview of the said design or any part thereof;

b) A decree of perpetual injunction, restraining the defendants, their servants, agents assigns and each one of them, from passing off and selling their table top wet grinders with their existing design which is a flagrant copy of the plaintiff's registered design;

c) Delivery up upon oath of all dies, casts, apparatus etc., relating to manufacture of table top wet grinders by the defendants, their servants, agent and assigns and each one of them that in any manner have infringed Registered Design Nos.163445 & 163446 dated 25th July 1991 and verification upon oath that the defendants do not have in their possession, power, control or custody any such infringing dies, c asts or apparatus.



d) A decree of perpetual injunction restraining the defendants, their servants, agents and assigns and each of them from in any way, infringing the plaintiff's copy right in its instruction manual or any part or portion thereof in any manner whatsoever

e) Decree for damages for Rs.1,00,000/- as claimed hereinabove as loss and damages suffered by the plaintiffs together with interest at 24% per annum from the date of plaint to the date of realisation;

f) directing the defendants and each of them, their servants, agents and assigns to render true and faithful accounts in respect of the infringing goods sold by the said defendants which infringed Design and direct an enquiry into the loss and damage suffered by the plaintiffs by reason of the aforesaid wrongful acts and infringement and pass a decree for the amount due and payable upon such enquiry and

g) directing the defendants to pay the costs of the suit.

For Plaintiffs : Mr.Harshavardhanan Ganesan
for Mr.R.Parthasarathy

For Defendant : Mr.Ram Kumar
Mrs.Nrindha Mohan



WEB COPY

J U D G M E N T

Mr.Harshavardanan Ganesan, learned counsel representing the counsel for the plaintiff would submit that they have instructions to withdraw the suit.

2. Recording the same, the suit is dismissed as withdrawn. No costs.

Sd/- R.S.M.J.
31/08/2021

List of the witnesses examined on the side of the plaintiff: Nil

List of Exhibits marked on the side of the plaintiff : Nil

List of the witnesses examined on the side of the defendant: Nil

List of Exhibits marked on the side of the defendant: Nil

Sd/- R.S.M.J.
31/08/2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.