

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

CORAM:

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No.274 of 2002

1.Sudha Vijayakumar

2.K.Vijayakumar ... Plaintiffs

..Vs..

1.S.Vijayan @ Ramakrishnan
Publisher and Editor of 'Idhayakkani' - A
Tamil Monthly Magazine,
32, Veera Pandia Nagar,
2nd Cross Lane,
Choolaimedu, Chennai - 600 094.

2.V.S.Shanmuga Ramasubramanian,
Printer, 'Idhayakkani' - A
Tamil Monthly Magazine,
5A, Poes Road, Chennai - 18. ... Defendants

PRAYER : Complaint filed under and Order IV Rule 1 of Original Side Rules of High Court, Madras read with Sections 55 and 62 of the Copyright Act read with Order VII Rule 1 of CPC, prayed for a Judgment and Decree:-

(i) by granting an order of permanent injunction restraining the defendants, their men, agents, servants, Publishers, printers or any one acting on their behalf from republishing the Autobiography title as 'Naan Yen Piranthean' either in his magazine 'Idhayakkani' or in any other forms.

(ii) To pay the costs of this Suit.

For 1st Plaintiff : Mr.M.Sriram

For Defendants : D1, D2 set exparte

J U D G M E N T

A memo had been filed dated 18.03.2021 by the learned counsel for the 1st plaintiff. This has also been signed by the 1st plaintiff. In the memo it has been wrongly stated as counsel for 2nd plaintiff and 2nd plaintiff. It has been informed that the 2nd plaintiff had been murdered on 04.06.2008. The relevant portion of the memo is as follows:

"In the meanwhile the 2nd plaintiff was murdered on 04.06.2008 at Chennai. And the first plaintiff is not willing to pursue the matter due to family circumstances.

In the above circumstances, it is prayed that this Hon'ble Court may be pleased to close the suit and pass such further or other orders and thus render justice.

Dated at Chennai this 18th day of March 2021.

sd/---

Counsel to 2nd (1st) Plaintiff.

sd/---

2nd (1st) Plaintiff."

2. The Registry may note that it had been wrongly stated in the memo as 'Counsel for 2nd Plaintiff' and as '2nd Plaintiff'. It should read as 'Counsel for 1st Plaintiff' and as '1st Plaintiff' since the 2nd plaintiff was murdered on 04.06.2008.

3. In view of the memo, suit is dismissed for non - prosecution.

No order as to costs. The memo dated 18.03.2021 shall form part of the Decree.

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19.03.2021

Index : Yes / No

Web : Yes / No

rna

C.V.KARTHIKEYAN, J

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