

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No. 610 of 2002

L.B. Thiyagarajan

... Plaintiff

Vs.

1. M/s. Astor Technologies,
No.14, Readymade Garment Complex,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai - 600 032.
Represented by its Partner Mr.S. Vasudevan,
2. Vasudevan
3. K.Ravi

... Defendants

Prayer:Civil Suit is filed under Order VIII Rule 1 of CPC r/w Order V Rule 1 of O.S.Rules along with Counter claim under Order VIII Rule 6A and 6B of CPC., (a) a permanent injunction restraining the defendants and the partners of the first defendant, their men, agents, servants, or any one claiming through them from in any manner infringing the copyright vested on the plaintiff in the computer software CAD/CAM for garment manufacturing technology created and invented and developed by the plaintiff.

(b) a permanent injunction restraining the defendants and the partners of the first defendant, their men, agents, servants, or any one claiming through them from in any manner passing off of the computer software CAD/CAM for garment manufacturing technology developed by the plaintiff either by sale or installation or in any manner advertising the same;

(c) Directing the defendants to surrender to the plaintiff the Computer seized by defendants illegally together with CPU, Key board, floppies, CD Rom and other materials or things including the source code of CAD software which is under the defendants possession or in the custody of the police.

(d) Directing the defendants to render a true and faithful account of the Profits earned by them from the beginning through the sale of the computer software created, developed and promoted by the plaintiff and directing the payment of such profits earned by them to the plaintiff.

(e) Directing the defendants to pay the costs of the suit to the plaintiff.

For Plaintiff : Mr.A.Prabhakara Reddy

For Defendants : Mr.Chandhira Pradeep Kumar

J U D G M E N T

Heard Mr.A.Prabhakara Reddy, learned Counsel for the plaintiff and Mr.Chandhira Pradeep Kumar, learned Counsel for the defendant.

2. The learned Counsel for the plaintiff stating that the parties had settled the issue between themselves. However, the Memorandum of Compromise is not available in the Court bundle and the learned counsels stated that they could not contact their respective .

3. The suit is dismissed. However, liberty is granted to the plaintiff to institute a fresh suit with respect to the Copyright in the computer software CAD/CAM used for Garment Manufacturing Technology either against the defendants or against anybody acting under the defendants or

against any third party if a fresh cause of action arises.

4. With the above said observations, the Civil Suit is dismissed.

No order as to costs.

17.03.2021

Index:Yes/No

Web:Yes/No

Speaking order : Yes / No
msm



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C.V.KARTHIKEYAN, J.

msm



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