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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 6TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No.845 of 2002

C.S.No.845 of 2002:-

1. L.G.Varadarajuluu,
2. Dark Horse Portfolio Investment Ltd.,
(Amended as per order dated
19.07.2021 in Appln.No.2319/2021)
3. M/s.ELGI UltraIndustries Ltd., ... Plaintiffs

Versus

Minit Engineers(I) Pvt.Ltd.,
10-A, Mariamman Koil Street,
Vairapalayam, Erode,
Tamil Nadu – 638 003. ... Defendant

Civil Suit praying that this Hon'ble Court be pleased to pass a judgment and decree in favour of the plaintiff and against the defendants as follows:-

(a) A Decree for perpetual injunction, restraining the defendants, their servants, agents, assigns and each one of them, from in any way, infringing the Patent No.179607 and/or in any way, using any part or portion of the said Patent Specification for manufacture of table top wet grinders and/or using and/or utilising the said Patent and/or any part or portion thereof for improvements in or relating to manufacture of table top wet grinders, in any



way, infringing the aforesaid Patent or any part or portion thereof;

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(b) A Decree of perpetual injunction, restraining the Defendants, their servants, agents and assigns and each of them from, in any way, using any process within the range, scope or purview of the said Patent bearing No.179607 or any part or portion thereof in any manner whatsoever;

(c) A Decree of perpetual injunction, restraining the Defendants, their servants, agents and assigns and each of them, from, in any way, manufacturing or selling or offering for sale or marketing or advertising table top wet grinders which uses and/or utilise the claims in the specifications of the said Patent bearing No.179607 and/or any part or portion thereof and/or which comes within the range, scope and/or purview of the said patent or any part thereof, in any manner whatsoever;

(d) Delivery up upon oath of all apparatus relating to manufacture of table top wet grinders by the defendants, their servants, agent and assigns that in any manner have infringed or have been manufactured in accordance with Patent No.179607 and/or Design and verification upon oath that the defendants do not have in their possession, power, control or custody any such infringing apparatus.

(e) 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 copyright in its instruction manual or any part or portion



thereof in any manner whatsoever.

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(f) A Decree of perpetual injunction, restraining the defendants, 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 Amirthaa 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 par thereof;

(g) 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;

(h) Decree for damages for Rs.5000/- as claimed herein above as loss and damages suffered by the plaintiffs together with interest at 24% per annum from the date of plaint to the dat of realisation;

(i) directing the defendants and each of them, their servants, agents and assigns to render true and faithful accounts in respect of the invention manufactured and sold by the said defendants which infringed Patent No.179607 and direct any enquiry into the loss and damage suffered by the

plaintiff's by reason of the aforesaid wrongful acts and infringement and



pass a decree for the amount due and payable upon such enquiry;

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(j) directing the Defendants to pay the costs of the suit;

This Civil suit is coming on this day before this court for hearing in the presence of Mr.Madhan Babu for Mr.R.Parthasarathy, Advocate for the plaintiffs herein and of Mr.Avinash Wadhvani for Mr.V.Raghavachari, Advocate for the defendant herein and upon reading the plaint filed herein and the learned counsel appearing for the plaintiffs would submit that he has got instructions to withdraw the suit and this court doth recording the said statement and **it is ordered as follows:-**

(i) That the suit in C.S.No.845 of 2002 be and is hereby dismissed as withdrawn.

(ii) That there shall be no costs in this suit.

WITNESS, THE HON'BLE MR.JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS
THE 6TH DAY OF SEPTEMBER 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.



VSP

07/10/2021

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C.S.No.845 of 2002

ORDER

DATED :06/09/2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 12/11/2021

APPROVED ON:15/11/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.845 of 2002

1. L.G. Varadarajulu,
 2. Dark Horse Portfolio Investment Ltd,
 3. M/s. ELGI Ultra Industries Ltd.
- (2nd plaintiff Amended as per order dated
19.07.2021 in Appln.No.2319/2021)

...Plaintiffs

Vs.

Minit Engineers (I) Pvt. Ltd.,
10 – A, Mariamman Koil Street,
Vairpalayam, Erode.
Tamilnadu – 638 003.

...Defendant

Prayer: Complaint filed under Order IV Rule 1 of O.S Rules read with Order VII Rule I of the Civil Procedure Code; Section 108 of the Patents Act, 1970, Section 53 of the Designs Act, 1911 and Sections 55 & 58 of The Copyright Act, 1914, praying as follows:-

a) A Decree for perpetual injunction restraining the defendants, their servants, agents assigns and each one of them, from, in any way, infringing the Patent No.179607 and/or in any way, using any part or portion of the said Patent Specification for manufacture of table top wet grinders and/or



of table top wet grinders, in any way, infringing the aforesaid Patent or any part or portion thereof;

b) A Decree of perpetual injunction restraining the Defendants, their servants, agents and assigns and each of them from, in any way, using any process within the range, scope or purview of the said Patent bearing No.179607 or any part or portion thereof in any manner whatsoever;

c) A Decree of perpetual injunction restraining the Defendants, their servants, agents and assigns and each of them, from, in any way, manufacturing or selling or offering for sale or marketing or advertising table top wet grinders which used and/or utilise the claims in the specifications of the said Patent bearing No.179607 and/or any part or portion thereof and/or which comes within the range, scope and/or purview of the said patent or any part thereof, in any manner whatsoever;

d) Delivery up upon oath of all apparatus relating to manufacture of table top wet grinders by the defendants, their servants, agent and assigns that in any manner have infringed or have been manufactured in accordance with Patent No.179607 and/or Design and verification upon oath that the defendants do not have in their possession, power, control or custody any such infringing apparatus.



e) 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 injunction manual or any part or portion thereof in any manner whatsoever.

f) A Decree of perpetual injunction, restraining the defendants, 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 Amirthaa Table Top Wet Grinders or any variation thereof which uses and/or utilises the claims and representations of the plaintiff's design bearing No.163445 and 163446 and/or any part or portion thereof and/or which comes within the range scope and/or any purview of the said design or any part thereof;

g) 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;

h) Decree for damages for Rs.5000/- (Rupees Five Thousand) as

claimed herein above 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;

i) Directing the defendants and each of them, their servants, agents and assigns to render true and faithful accounts in respect of the invention manufactured and sold by the said defendants which infringed Patent No.179607 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;

j) Directing the Defendants to pay the costs of the suit;

For Plaintiffs : Mr.Madhan Babu for
Mr.R.Parthasarathy

For Defendant : Mr.Avinash Wadhvani for
Mr.V.Raghavachari

J U D G M E N T

(The case is heard through Video Conference)

Mr.Madhan Babu, learned counsel appearing for the plaintiffs would

<https://hcservices.ecourts.gov.in/hcservices/>

submit that he has got instructions to withdraw the suit.



WEB COPY 2. Recording the said statement, this suit is dismissed as withdrawn.

No costs.

Sd./-R.S.M.J
06.09.2021

List of witness and documents examined on the side of the plaintiffs:

Nil

List of witness and documents filed on the side of the defendant:

Nil

Sd./-R.S.M.J
06.09.2021

//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.