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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 30TH DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No.831 of 2001

M/s Apollo Meters Pvt Ltd,
Rep.by its Managing Director,
Mr.Mohammed Ismail Mohamedu Gany,
No.24, Renganathan Street,
Hasti Tower, 1st Floor,
A-Flat, T.Nagar,
Chennai – 600 017.

...Plaintiff

-Vs-

1.M/s Nutan Valve (India),
D-1, Focal Point,
Jalandhar – 144 004,
Punjab.

2.M/s Sri Mookambigai Pipe Traders,
131/19-A, S.N.High Road,
Tirunelveli Junction,
Tirunelveli – 627 001.

3.M/s Pandiyan Steels,
557, Sathi Road,
Erode – 638 003.

... Defendants

Civil Suit praying that this Hon'ble Court be pleased to pass a Judgement
and Decree:

a) Granting a Permanent Injunction restraining the defendants by

themselves, their servants, agents, or any one claiming through them from

manufacturing, selling, offering for sale, directly or indirectly dealing in



Flow Control Valve device made on the basis of dismantling the plaintiff's invented 'Flow Control Valve' and made out of working drawings from the sketches of such dismantled product which amounted to infringement of plaintiff's Engineering Drawings of their 'Flow Control Valve' device made therefrom;

b) Directing the defendants to surrender to the plaintiff all the unused pirated 'Flow Control Valve' device together with dies and blocks for the purpose of manufacturing the same for destruction;

c) Directing the defendant to pay the plaintiff the costs of the suit;

This suit coming on this day before this court for hearing and both the plaintiff and the defendants herein, not appearing in person or by advocate and upon reading the plaint filed herein, **It is ordered as follows:-**

That the suit in C.S.No.831 of 2001, be and is hereby dismissed for non-prosecution.

2. That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
30th DAY OF JUNE 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.



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17.08.2021

C.S.No.831 of 2001

ORDER:

DATED : 30.06.2021

THE HON'BLE MR. JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 18.08.2021

APPROVED ON: 19.08.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.831 of 2001

M/s.Apollo Meters Pvt Ltd,
Rep. by its Managing Director
Mr.Mohammed Ismail Mohamedu Gany
No.24, Renganathan Street,
Hasti Tower, 1st Flor,
A-Flat, T.Nagar,
Chennai – 600 017.

...Plaintiff

.Vs.

1.M/s.Nutan Valve (India),
D-1 Focal Point
Jalandhar – 144 004.
Punjab.

2.M/s.Sri Mookambigai Pipe Traders,
131/19-A, S.N.High Road,
Tirunelveli Junction,
Tirunelveli – 627 001.

3.M/s.Pandiyan Steels,
557, Sathi Road,
Erode – 638 003.

... Defendants

Plaint filed under Order IV Rule 1 of the Original Side Rules and
under Order VII Rule 1 of the Code of Civil Procedure and Section 55 of
Copyrights Act, 1957 praying for a judgment and decree for:



a) Granting a permanent injunction restraining the defendants by themselves, their servants, agents, or any one claiming through them from manufacturing, selling, offering for sale, directly or indirectly dealing in “Flow Control Valve” device made on the basis of dismantling the plaintiff's invented “Flow Control Valve” and made out of working drawings from the sketches of such dismantled product which amounted to infringement of plaintiff's Engineering Drawings of their “Flow Control Valve” device made therefrom;

b) Directing the defendants to surrender to the plaintiff all the unused pirated “Flow Control Valve” device together with dies and blocks for the purpose of manufacturing the same for destruction and

c) Directing the defendant to pay the plaintiff the costs of the suit

For Plaintiff : No appearance

For Defendants : No appearance

J U D G M E N T

The suit is one for infringement of copyrights, wherein, the plaintiff seeks an injunction restraining the defendants from selling or offering for sale “Flow Control Valve” device made on the basis of the



within the meaning of Section 2(1)(c)(xvii) of the Commercial Courts Act, 2015. Hence, the jurisdiction is so determined and this Commercial Division takes cognizance of the suit.

2. Even on 28.04.2021, the learned counsel appearing for the plaintiff had reported “no instructions” on the ground that the plaintiff had taken back the case papers along with the consent for change of vakalat very long back.

3. The Registry was directed to print the name of the plaintiff and post the matter today. Despite the name of the plaintiff having been printed in the cause list, none appeared for the plaintiff. The suit is of the year 2001. I, do not propose to adjourn the suit for appearance of the plaintiff.

4. The suit is therefore dismissed for non-prosecution. No costs.

Sd./-R.S.M.J.
30.06.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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