



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.12.2021

Coram:

THE HONOURABLE Mr.JUSTICE N.ANAND VEKATESH

Civil Suit No.117 of 2006
(Comm.Suit)

Tractors and Farm Equipment Ltd.,
Rep.by its Dy.General Manager-Legal
Mr.R.Srinivasan
No.861, Anna Salai
Chennai 600 002.

.. Plaintiff

.VS.

Vraj Tractor Exports
B-4, C, Ist Phase
Basni
Jodphur 342005.

..Defendant

Prayer: Civil Suit has been filed under Order IV Rule 1 of O.S.Rules and Order VII Rule 1 CPC r/w Sections 51, 55 and 62 of the Copy Rights Act, 1957, praying to grant a decree and judgment on the followign terms:-

a) A permanent injunction restraining the defendants, their men, agents, successors-in-business, assigns, representatives or any



WEB COPY

person claiming through or under them from in any manner infringing the plaintiffs copyright in the literary work, the unique and distinctive “part number” and the artistic work in the catalogue with model numbers, drawings, diagrams etc., by using a identical part number, model number and the name Massey Ferguson without any authorization or consent from the plaintiff in any other manner whatsoever;

b)A permanent injunction restraining the defendants, their men, agents, successors-in-business, assigns, representatives or nay person claiming through or under them from in any manner passing off or enabling others to pass off their products as a substitute for the plaintiff's products by use of identical part number, model number and the name Massey Ferguson thereby inducing the members of the trade and public to purchase their products as and for the plaintiff's products or in any other manner whatsoever;

c)the defendants be directed to remove all references of the plaintiff's name Massey Ferguson, their unique and distinctive “part number”, their model numbers etc., from its website www.vrajtractors.com, or any other website/online material and /or catalogues, brochures, price lists or disseminating information in any manner whatsoever;

d)the defendants be ordered and decreed to pay to the Plaintiff a sum of Rs.10,05,000/- by way of damages for manufacturing and



selling spare parts for plaintiff's tractors without any authorization or consent of the plaintiff and for committing acts of copyright infringement and passing off:

e)a Preliminary Decree be passed in favour of the plaintiff directing the defendants to render a true and faithful account of all profits earned by them, using plaintiff's part numbers, diagrams, model numbers etc., and a final decree be passed in favour of the plaintiff for the amount of profits thus found to have been made by the defendants after the latter have rendered accounts.

f)the defendant's be directed to surrender to the plaintiff for destruction, catalogues, drawings, any print material etc., with the plaintiff's part number, model number and name or any reference whatsoever to the plaintiff available with the defendants' and the products manufactured thereon;

g) for costs; and

h)for such other and further reliefs as the nature and circumstances of the case may require.

For Plaintiff	:Mr.Ramkumar Natarajan for Mrs.Brinda Mohan
For Defendants	: Mr.K.Shakespeare Mr.G.Karthikeyan



WEB COPY

J U D G M E N T

This suit was filed by the plaintiff with a grievance that the defendant is infringing the copyright of plaintiff in the literary work and the plaintiff had sought for various reliefs against the defendant. This suit was filed in the year 2006.

2. When the matter came up for hearing on 15.12.2021, the learned counsel for the defendant submitted that the defendant Company had closed their operation in the year 2011. A document was filed to that effect. Recording the submissions of the learned counsel for the defendant, the following order was passed by this Court.

Pursuant to the orders passed by this Court on 19.11.2021, the Registry has put up the written statement in the case bundle.

2. The learned counsel for the defendant submitted that the defendant Company has closed their operation from the year 2011 onwards. A document to that effect was also filed by way of additional typed set of papers after serving copy to the learned counsel for



WEB COPY



the plaintiff. The learned counsel for the plaintiff shall take instructions and report before this Court.

3.Post this case under the same caption on 23.12.2021.

3.When the matter was taken up for hearing today, the learned counsel for the plaintiff submitted that the stand taken by the defendant and which was recorded by this Court on 15.12.2021, can be taken into account and the suit can be disposed of accordingly.

4.In view of the above, the specific stand taken by the defendant to the effect that the defendant Company had closed their operation in the year 2011 and they are no more in existence, is recorded and the suit is disposed of accordingly. It is made clear that if at any future point of time, any occasion arises wherein, the copyright infringement is revived by the defendant, it will be left open to the plaintiff to file a fresh suit.



WEB COPY

5.The suit is disposed of in the above terms. In the facts and circumstances of the case, there shall be no order as to costs.

23.12.2021

KP

Internet: Yes

Inxex: yes/No.

N.ANAND VENKATESH,J.

KP



WEB COPY



Civil Suit No.117 of 2006
(Comm.Suit)

23.12.2021