



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 26TH DAY OF JULY 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

C.S. No.254 of 2006

M/s. T V S SRICHAKRA LIMITED

Rep. By its Secretary P.Ramesh

having its registered office at

No.7-B, West Veli Street,

Madurai 625 001.

... Plaintiff

Vs

M/S FALCON TYRES LIMITED

Rep. By its Chief Executive Officer

having its registered office at

KRS Road, Metagulli, Mysore 570 016.

... Defendants

Civil suit praying that this Hon'ble Court be pleased to pass a judgment and decree.

a) Granting permanent injunction restraining the Defendant, its men, agents, servants or any other person claiming under the Defendant from in any way selling its ZEBRA 101/CHALLENGER 101 or any other tyre with the same tread pattern as that of the Plaintiff's DRAGON tyre.

(b) Granting a preliminary decree directing the Defendant to furnish accounts for the sales of ZEBRA 101 / CHALLENGER101 tyres from the date of its launching and also produce the moulds of the said tyre.

(c) Directing the Defendants to pay Rs.10,01,00/- to the Plaintiff as damages for loss of business and reputation.



(d) Directing the Defendant to pay the costs of the suit.

WEB COPY

This suit coming on this day before this court for hearing in the presence of M/s.G.Sumithra, Advocate for the plaintiff herein and Mr.K.Mahendran, Advocate for the defendant herein and upon reading the plaint filed herein and the learned counsel for the defendant having stated that in company petition No.304 of 2008, the defendant company was wound up on 31.03.2013, there is no production or infringement of design, on considering the above submission, this court finds that nothing survives in the suit to slog over, hence, taking note of the long pending of the suit for more than 15 years and ceasure of operation of the defendant company for more than 10 years,

it is ordered as follows:-

That the suit in C.S.No.254 of 2006, be and is hereby disposed of, as the relief sought in the suit does not survive.

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
26TH DAY OF JULY 2021.

Sd./-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)



VSP

13/08/2021

WEB COPY

3

C.S. No.254 of 2006

ORDER

DATED : 26.07.2021

THE HON'BLE DR.JUSTICE
G.JAYACHANDRAN

FOR APPROVAL: 06/09/2021

APPROVED ON: 08/09/2021



WEB COPY

4

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2021

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.S.No.254 of 2006

M/s.TVS Srichakra Limited,
Rep. by its Secretary, P.Ramesh

...Plaintiff

..VS..

M/s.Falcon Tyres Limited,
Rep. by its Chief Executive Officer.

...Defendant

Prayer:Civil Suit filed under Order VII Rule I read with Order IV Rule 1 of the O.S.Rules and Section 22 of Design Act 2000, praying for the following:

a) granting permanent injunction restraining the defendant, its men, agents, servants or any other person claiming under the defendant from in any way selling its ZEBRA 101/CHALLENGER 101 or any other tyre with the same and tread pattern as that of the plaintiff's DRAGON tyre.

b) granting a preliminary decree directing the defendant to furnish accounts for the sales of ZEBRA 101/CHALLENGER 101 tyres from the date of its launching and also produce the moulds of the said tyre.

c) Directing the defendants to pay Rs.10,01,000/- to the plaintiff as damages for loss of business and reputation.

d) directing the defendant to pay the costs of the suit.

For Plaintiff : M/s.G.Sumithra

For Defendants : Mr.K.Mahendran

**J U D G M E N T**

WEB COPY

The suit is of the year 2006 filed for injunction restraining the defendant from infringing the registered design of the plaintiff in DUNLOP CHALLENGER 101 and ZEBRA 101, which is strikingly similar to the plaintiff's design on their product DRAGON tyres. Also relief seeking damages for the lose of business and reputation sought in the plaint.

2.On completion of pleadings, this Court framed issues on 02.04.2007. Thereafter, except litigation on the interlocutory applications, nothing progressed. Today, when the matter is taken up for further proceedings, the learned counsel appearing for the defendant states that in Company Petition No.304 of 2008, the defendant Company was wound up on 31.03.2013. There is no production or infringement of design.

3. On considering the above submission, this Court finds that nothing survives in the suit to slog over. Hence, taking note of the long pending of the suit for more than 15 years and ceasure of operation of the defendant Company for more than 10 years, the suit is disposed of, as the relief sought in the suit does not survive. No costs.

Sd./-G.J.J
26.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)