

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2021

CORAM:

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No.664 of 2005  
and O.A.Nos.746, 747 of 2005

1.Durai Industrial Works,  
284, Dr.Ambedkar Road,  
Velandipalayam,  
Coimbatore - 641 025  
having its branch office at  
16, Gregory Street,  
Chennai - 600 001.  
rep. by its constituted attorney,  
R.Srinivas

2.D.Nataraj  
284, Dr.Ambedkar Road,  
Velandipalayam,  
Coimbatore - 641 025  
rep. by its constituted attorney,  
R.Srinivas

... Plaintiffs

..Vs..

1.Durai Engineering Products,  
1143, Mettupalayam Road,  
Coimbatore - 641 043.

2.D.Narayanaswamy,  
1143, Mettupalayam Road,  
Coimbatore - 641 043.

... Defendants

**PRAYER :** Plaintiff filed under Order VII Rule 1 CPC read with Order IV Rule 1 OS Rules and Sections 51, 55 and 62 of the Copyrights Act, 1957, prayed for a Judgment and Decree:-

(a) a permanent injunction restraining the defendants by themselves, their partners, heirs, legal representatives, successors in business, assigns, agents, distributors, stockists, wholesalers, dealers, retailers or any one claiming through or under them from committing acts of infringement of copyright of plaintiff's copyright in the artistic work in drawing for Automised Direct Grains Roaster by making of a substantial reproduction of the plaintiff's copyright in 2-dimensional drawing for Paddy Roaster - Double door - Firewood Model or in 3-dimensional reproduction of the said drawings in the form of machines or in any other manner whatsoever;

(b) a permanent injunction restraining the defendants by themselves, their partners, heirs, legal representatives, successors in business, assigns, agents, distributors, stockists, wholesalers, dealers,

retailers or any one claiming through or under them from manufacturing, distributing, marketing, selling, offering for sale, advertising or in any manner dealing with the plaintiff's Automised Direct Grains Roaster in any other name or any grain roaster similar thereto amounting to passing off their roaster machines as and for the plaintiff's roaster machines or in any other manner whatsoever;

(c) the defendants be ordered to deliver up for destruction all the pamphlets, labels, packaging, packing materials, advertisement materials, seals, dies, blocks, screen prints, brochures, trade literatures and such other materials bearing any reference to the plaintiff and its artistic work in the drawing of Automised Direct Grains Roaster;

(d) The defendants be ordered to pay a sum of Rs.5,25,000/- as liquidated damages for committing acts for infringement of Copyright and passing off;

(e) A preliminary decree be passed in favour of the plaintiff to render true and faithful accounts of profits earned by the defendants by sale

of machines using the plaintiff's copyright in the artistic work in the Automised Direct Grains Roaster drawings 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) For costs of the suit.

For Plaintiffs : M/s.Rahul M.Shankar

For Defendants : M/s.M.Suresh Madhavaraj

\*\*\*\*\*

**JUDGMENT**

The learned counsel for the plaintiff had filed the following memo dated 25.03.2021. It is as follows:

*"The plaintiff above named humbly submits as follows:*

*1. That the plaintiffs herein above do not want to prosecute the case and seeks liberty to file fresh suit as and when fresh cause of action arise between the parties.*

*2. Therefore, the plaintiff craves leave of this Hon'ble Court to withdraw the present Civil Suit No.664 of 2005.*

*Dated at Chennai, this the 25th day of March 2021.*

*sd/---,  
Counsel for Plaintiffs."*

2. In view of the same, suit is dismissed as withdrawn. No order as to costs. Connected Applications are closed.

**30.03.2021**

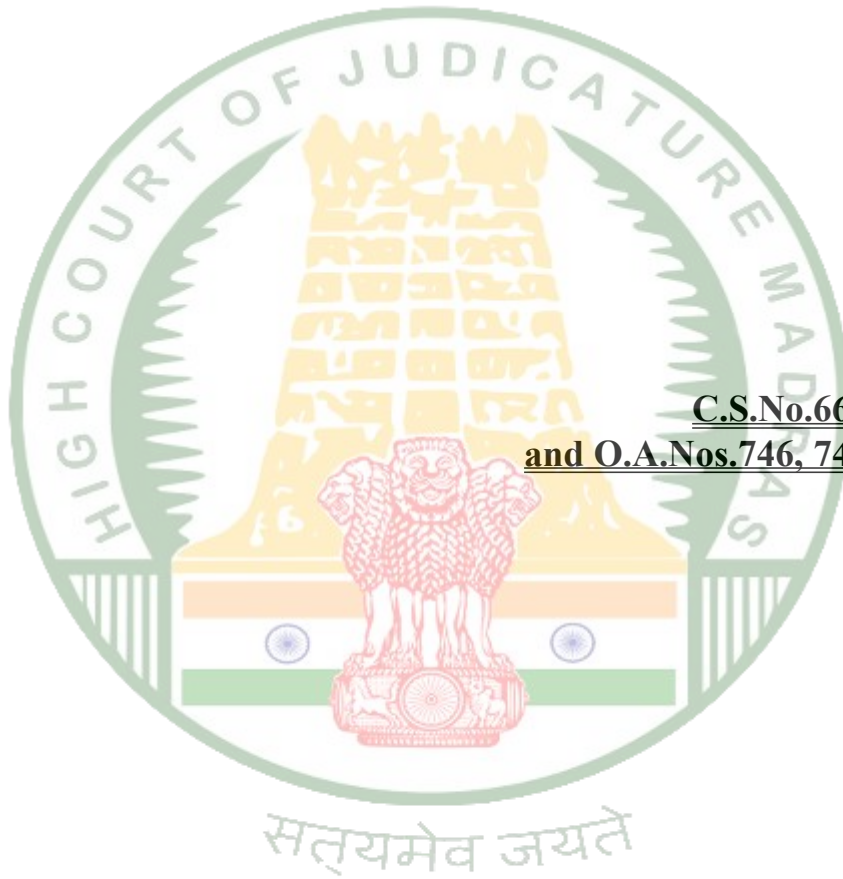
Index : Yes / No  
Web : Yes / No  
rna

सत्यमेव जयते  
WEB COPY

C.S.No.664 of 2005, O.A.Nos.746, 747 of 2005

**C.V.KARTHIKEYAN, J**

rna



**C.S.No.664 of 2005**  
**and O.A.Nos.746, 747 of 2005**

WEB COPY

30.03.2021