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C.S.No.661 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

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THE HON'BLE **MR.JUSTICE C.SARAVANAN**

C.S.661 of 2019
(Comm. Suits)

N.Suresh

... Plaintiff

Vs.

C.Prem Kumar

... Defendant

Civil Suit (Commercial Suits) is filed under Order VII Rule 1 of the Civil Procedure Code, 1908 r/w. Sections 17, 55 and 62 of the Copyright Act, 1955 r/w. Section 2(1)(c)(xvii) of the Commercial Courts Act, 2015 r/w. Order IV Rule 1 of Original Side Rules, praying to pass a Judgment and Decree against the defendant and in favour of the plaintiff:-

- (a) Declare that the plaintiff is the owner of the Intellectual Property – the original Script “92”, and the defendant has infringed the same by copying and making Script “92” into Tamil Movie “96” as well as Telugu remake “96”;
- (b) Grant Permanent Injunction, restraining the Defendant, his men, agents, or persons acting on their behalf, from in any manner infringing the Plaintiff's lawful right over the



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Intellectual Property – original Script “92”;

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(c) costs of the Suit; and

(d) such other and further orders as this Court may deem fit in the facts and circumstances of the case.

For Plaintiff : No appearance

For Defendant : Mr.C.Kaveen
for Mr.Avinash Krishnan Ravi

J U D G M E N T

When this case was taken up for hearing on 03.02.2023, there was no representation on behalf of the plaintiff and the defendant. Therefore, this case was directed to be listed today, i.e. on 06.02.2023, under the caption 'for dismissal'. Today, the learned counsel for the defendant alone is present. However, there is no representation on behalf of the plaintiff.

2. The Court Records indicates that the suit summons was served on the sole defendant on 30.12.2019. The defendant had also filed Written Statement, pursuant to which, issues were framed. On 20.04.2022, both parties have filed a common proposed Case Management Schedule and therefore the case was thereafter directed to be listed before the Additional



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Master - II for recording evidence by fixing the dates for recording evidences. In the Case Management Schedule filed by the both parties, the plaintiff had proposed to examine about 7 witnesses.

3. Pursuant to the aforesaid order dated 20.04.2022, the case was listed before the Additional Master – II on 06.06.2022, 10.06.2022 and 15.06.2022. On these dates, none of the plaintiff's witness were present before the learned Additional Master – II. It appears that the plaintiff was not interested in pursuing with the case as neither the witnesses nor the learned counsel for the plaintiff were present before the learned Additional Master – II on the dates fixed by this Court *vide* order dated 20.04.2022. As there was no representation on behalf of the plaintiff on the previous occasion and even today, it has to be construed that the plaintiff is not interested in pursuing with this Civil Suit.

4. Therefore, this Civil Suit is dismissed for non-prosecution. Parties to bear their own cost.

06.02.2023



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Internet: Yes/No

Index: Yes/ No

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C.SARAVANAN, J.

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