



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.S. Nos.1023 of 2005, 209, 216 & 402 of 2009

C.S. No.1023 of 2005

- 1.M/s.Gemini International, rep.
by its Managing Partner,
A.P.Dwarakanth
- 2.A.P.Dwarakanth
- 3.D.Mahesh
- 4.Mrs.Kasthuri Dwarakanth
- 5.A.P.Mani
- 6.A.L.Balasubramanian

... Plaintiffs

Vs.

- 1.M/s.Home Fashion Textiles,
Rep. by its Partner,
P.G.Lakshmipathy
- 2.P.G.Lakshmipathy
- 3.P.G.Lakshmipathy (HUF),
Rep.by P.G.Lakshmipathy,
Karthi
- 4.Mrs.Mohana Prasad
- 5.Mrs.Kasthuri Pandarinath
- 6.N.M.Moorthy
- 7.State Bank of India,
Overseas Branch,
First Line Beach, Chennai -1.
- 8.The Citi Bank,
Anna Salai, Chennai -2.
- 9.The Indian Bank, MGT Branch,
16/6, Thambu Chetty Street, Chennai -1.

... Defendants



PRAYER: The Plaint filed under Order VII Rule 1 of CPC and Rule IV Rule 1 of CPC read with Order IV Rule 1 of High Court Original Side Rules praying to pass a judgment and decree against the defendants

- (a) For a permanent injunction restraining the defendants 1 to 5, their agents, servants, and men and everyone claiming under them and acting under them from in any way continuing to do any competing business or indulging in acts, acting prejudicial to the interests of the first plaintiff firm;
- (b) For a permanent injunction restraining the defendants 1 to 5, their agents, servants, and men and everyone claiming under them and acting under them from in any way, interfering with the business of the first plaintiff firm;
- (c) For a permanent injunction restraining the second defendant from in any way interfering with the operation of the Bank Accounts of the first plaintiff firm with the Indian Bank, MGT Branch, Thambu Chetty Street, Chennai - 600 001, by the second plaintiff, either by misleading the bankers or in any other manner whatsoever;
- (d) For a permanent injunction restraining the defendants 1 to 5 from in any way exporting Home furnishing fabrics and made ups to the customers of the first plaintiff firm in USA and other countries either by diverting the orders or in any other manner whatsoever;
- (e) For a permanent injunction restraining the defendants 1 to 5 from in any way drawing any monies from the Bank Account of the first defendant firm herein with the defendants 7 and 8 herein;
- (f) For a mandatory injunction directing the defendants 1 to 5 to bring back all the profits that they have earned by doing competing business and by diverting the business of the first plaintiff firm;
- (g) Directing the defendants 1 to 5 to render a true and proper account of the competing business run by them under the name and style of "Home Fashion



"Textiles" the first defendant herein;

(h) Directing the defendants 2 to 5 to return the machineries, records, and other items belonging to the first plaintiff firm and kept at Door No.23, Coral Merchant Street, Mannadi, Chennai 600 001 and at No.80, Linghi Chetty Street, Chennai - 600 001, morefully described in the Schedule hereunder;

(i) For a permanent injunction restraining the defendants 2 to 5 from in any way using the plaint schedule properties to do competing business either under the name and style of the first defendant or in any other manner whatsoever;

(j) Directing the defendants to pay the costs of the suit.

For Plaintiffs : Mrs.R.Ramya

For Defendants : Mr.Poornam D1 to D3
Mr.S.Sethuraman for D7
No Appearance for D1, 4 to 6 and 8 & 9

C.S. No.209 of 2009

1.M/s.Gemini International, rep.
by its Managing Partner,
A.P.Dwarakanth
2.A.P.Dwarakanth
3.Kasthuri Dwarakanth
4.A.L.Balasubramanian
5.D.Mahesh
6.A.P.Mani

... Plaintiffs

Vs.

1.M/s.Fabric 4 Home,
222, Cetral Ave,
Farmingdale,
New York - 11735,
United States of America.
2.T.Pattabiraman @ Pattabi
3.Jack.V.Poola (Previously known as Jagadeesan)
4.Mohana Prasad
5.Kasthuri Pandarinath



6.P.G.Lakshmipathy
7.P.G.Lakshmipathy (HUF),
Rep.by P.G.Lakshmipathy,
Karthi
8.N.M.Moorthy

... Defendants

PRAYER: The Complaint filed under Order VII Rule 1 of CPC and Rule IV Rule 1 of CPC read with Order IV Rule 1 of High Court Original Side Rules praying to pass a judgment and decree against the defendants

(a) Directing the defendants 1 to 3 to pay a sum of Rs. 1,86,45,898/- (Rupees One Crore eighty six lakhs forty five thousands eight hundred and ninety eight only) together with interest at the rate of 18% per annum on Rs. 1,24,72,173/- (Rupees one crore twenty four lakhs seventy two thousands on hundred and seventy three only) from the date of complaint till date of realization;

(b) Directing the defendants 1 to 3 to pay the cost of the suit.

For Plaintiffs : Mrs.R.Ramya

For Defendants : Mr.Poornam for D6 & D7
Mr.V.Srikanth for D2
Mr.I.Rollence Samuel for D1 & D3
No appearance
for defendants 4, 5 & 8

C.S. No.216 of 2009

1.M/s.Gemini International, rep.
by its Managing Partner,
A.P.Dwarakanth
2.A.P.Dwarakanth
3.Kasthuri Dwarakanth
4.A.L.Balasubramanian
5.D.Mahesh
6.A.P.Mani
7.M.Mallika

... Plaintiffs



Vs.

1.M/s.Fabric 4 Home,

222, Cetral Ave,

Farmingdale,

New York - 11735,

United States of America.

2.T.Pattabiraman @ Pattabi

3.Jack.V.Poola (Previously known as Jagadeesan)

4.Mohana Prasad

5.Kasthuri Pandarinath

6.P.G.Lakshmipathy

7.P.G.Lakshmipathy (HUF),

Rep.by P.G.Lakshmipathy,

Karthi

8.N.M.Moorthy

... Defendants

PRAYER: The Plaintiff filed under Order VII Rule 1 of CPC and Rule IV Rule 1 of CPC read with Order IV Rule 1 of High Court Original Side Rules praying to pass a judgment and decree against the defendants

(a) Directing the defendants 1 to 3 to pay a sum of Rs.46,17,705/- (Rupees Forty six lakhs seventeen thousand seven hundred and five only) together with interest at the rate of 18% per annum on Rs.30,88,766/- (Rupees Thirty lakhs eighty eight thousand seven hundred and sixty six only) from the date of plaint till date of realization;

(b) Directing the defendants 1 to 3 to pay the cost of the suit.

For Plaintiff : Mrs.R.Ramya

For Defendants : Mr.Poornam for D6 & D7
Mr.V.Srikanth for D2
No Appearance for
Defendants 1, 3 to 5 & 8

**C.S. No.402 of 2009**

- 1.M/s.Gemini International, rep.
by its Managing Partner,
A.P.Dwarakanth
- 2.A.P.Dwarakanth
- 3.Kasthuri Dwarakanth
- 4.A.L.Balasubramanian
- 5.D.Mahesh
- 6.A.P.Mani
- 7.M.Mallika

... Plaintiffs

Vs.

- 1.P.G.Lakshmipathy
- 2.Mohana Prasad
- 3.Kasthuri Pandarinath
- 4.M/s.Home Fashion Textiles,
Represented by is Partner,
P.G.Lakshmipathy
- 5.N.M.Moorthy

... Defendants

PRAYER: The Complaint filed under Order VII Rule 1 of CPC and Rule IV Rule 1 of CPC read with Order IV Rule 1 of High Court Original Side Rules praying to pass a judgment and decree against the defendants

(a) Directing the defendants 1 to 4 to pay a sum of Rs.75,00,000/- (Rupees Seventy Five Lakhs only) as damages together with interest at the rate of 18% per annum on Rs. 75,00,000/-(Rupees Seventy Five Lakhs only) from the date of complaint till date of realization;(b) Directing the defendants 1 to 4 to pay the cost of the suit.

For Plaintiffs : Mrs.R.Ramya

For Defendants : Mr.Poornam for D1 & D4
No appearance for
Defendants 2 & 3, 5



WEB COPY



COMMON JUDGMENT

The learned counsel for the plaintiffs seeks permission of this Court to dismiss all the suits as settled out Court, pursuant to the compromise recorded before the Hon'ble Division Bench of this Court in O.S.A. Nos.225 & 226 of 2015 dated 11.12.2023 and she has made an endorsement to that effect.

2. Recording the above submission and endorsement made by the learned counsel for the Plaintiffs, these Civil Suits are dismissed as settled out Court. Registry is directed to refund the Court fee, as per law, in the name of D.Mahesh, who is one of the plaintiffs in the above suits. No costs.

16.07.2024

rkp

Index: Yes/No

Internet: Yes/No



WEB COPY



P.B.BALAJI, J.

rkp

C.S. Nos.1023 of 2005, 209, 216 & 402 of 2009

16.07.2024