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Civil Suit No.568 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.06.2024

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Civil Suit No. 568 of 2016

Wintlt Technologies Pvt. Ltd.
Rep.by its Authorised Signatory
Mr.Sundharakkumar Ramachandran
Having its registered Office at :
61, 5th Cross Street
2nd Floor, Logaiah Colony
Saligramam, Chennai – 600 093.

... Plaintiff

Vs.

1. Esakkimuthu
2. Seafalls Solutions
Rep.by Mr.Esakkimuthu
Having its address at :
16A Sapphire, Olympia Opaline
Rajeev Gandhi Salai, Navallur
Kanchipuram, Tamil Nadu – 603 103.
3. Threatscale Ltd.,
Rep.by Mr.Essakimuthu
Having its Registered Office at:
18, First Avenue
London, United Kingdom W10 4 NI.
4. Paynear Solutions Private Limited



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Represented by its Managing Director
Having its Registered Office at :
Dwarakapuri, Punjagutta
Hyderabad, Telangana – 500 082.

.. Defendants

Prayer:-

Civil Suit has been filed under Sections 55 and 62 of the Indian Copyrights Act, 1957 read with Order IV Rule 1 of High Court Original Side Rules, 1956 and Order VII Rule 1 Civil Procedure Code, prays for judgment and decree :

a) for a permanent injunction restraining the defendants jointly and severally and their respective officers, agents, servants, employees, power of attorneys, successors, licensees, partners and assigns and all persons acting in participation with each or any of them from directly or indirectly infringing in any manner by making reproduction of the plaintiff's copyright in its Source Code of MerchantRMS v4 which is engaged in detection and prevention of Online Card Not Present (CNP) transactions, in the form of the infringed product of the defendants Threatscale or the repeat infringed product of the defendants Certi5d or any other version or any other infringed device which are absolutely identical and similar to the said software of the plaintiff.

b) for a mandatory injunction to terminate and lapse the service



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provided by the defendants in respect of the infringing products of the defendants Threatscale or the repeat infringed product of the defendants Certi5d or any other version or any other infringed device to the clients, customers, patrons, regulars, consumers of the defendants which are infringed replications of the plaintiff software MerchantRMS v4 which is engaged in detection and prevention of Online Card Not Present (CNP) transactions.

c) the defendants be ordered to pay the plaintiff a sum of Rs.1,00,00,000/- (Rupees One Crore only) as damages for committing acts of infringement of the copyright of the plaintiff in its software MerchantRMS v4.

d) for costs of the suit.

For Plaintiffs : Mr. P.Mohan Kumar

For Defendants : Mr.S.B.Viswanathan for D1

D2 to D4 – set ex-parte



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J U D G M E N T

The learned counsel appearing for plaintiffs sought permission of this Court to withdraw the present civil suit and he has also made an endorsement to that effect.

2. In view of the submission and endorsement made by the learned counsel for the plaintiff, this Civil Suit is dismissed as withdrawn. There shall be no order as to costs. Consequently, connected pending applications, if any, are closed.

06.06.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To
The Sub-Assistant Registrar,
Original Side,
High Court, Madras.

P.VELMURUGAN, J



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C.S.No.568 of 2016

06.06.2024