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C.S. (Commercial Division) No.330 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.06.2024

CORAM:

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

C.S. (Commercial Division) No.330 of 2018

1.Fermat Education,
10-C, Kalinga Colony,
Bobbiliraja Salai, K.K.Nagar,
Chennai – 600 078
Rep. by its Partner
Rajesh Balasubramanian

2. Rajesh Balasubramanian

Vs.

... Plaintiffs

1. Sorting Hat Technologies Pvt. Ltd.,
No.353, 12th A Cross,
Off Double Road,
Opp. City Centre Residency,
Indiranagar, 1st Stage,
Bangalore – 560 038.
repay its Co-Founder & CEO
Gaurav Munjal

2. Akshay Mehndiratta

3. Bhavik Leuva

4. Abhay Agarwal

5. Gautam Bothra



6. Nihal Reddy

7. Peyush Gautam

8. Siddalinga Patil

9. Siddharth Gupta

10. Varun Kumar Thota

11. Ashish Mahala

12. Navdha Khera

13. Ajay Sareen

14. Dipak Mishra

... Defendants

Civil Suit is filed under Order VII Rule 1 Civil Procedure Code read with Sections 51, 54, 55 and 62 of the Copyrights Act, 1957 and the Copyright (Amendment) Act, 2012 and Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, No.4 of 2016, praying to grant a Judgment and decree on the following terms:

a) a permanent injunction restraining the defendants by themselves, their Directors, partners, principal officers, successors-in-business, affiliates, assigns, servants, agents, legal heirs or any one claiming through them directly or indirectly or enabling others from in any manner using the literary works of the plaintiffs in the 2IIM CAT question either in the literary form or video form or in another form or in any manner whatsoever amounting to



infringement of plaintiffs' copyright over their indigenously, uniquely created / penned / authored 2IIM CAT questions and video presentations;

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(b) a decree for Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) towards damages in favour of the plaintiff and against the defendant for infringing the plaintiff's copyright over their 2IIM CAT Questions / course material;

(c) A preliminary decree directing the Defendants to immediately delete / remove all the infringing materials from the website WWW.unacademy.com or any other website to which the defendants has access to and a possibility of infringing the plaintiff's copyright over their 2IIM CAT questions;

(d) A preliminary decree directing the first defendant to render true and faithful accounts of the profits earned by them through the infringement of the plaintiff's copyright over their 2IIM CAT questions and directing payment of such profits to the plaintiff;

(e) an order as to costs of the proceedings.

For Plaintiffs : Ms.S.Suba Shiny

For Defendants : M/s.Bharadwaj & Co. for D1
Mr.R.S.Divagar for D14
Given up for D7 to D11
Suit is Dismissed against D5, D6 & D13
Service not completed against



C.S. (Commercial Division) No.330 of 2

D2, D3, D4 & D12

JUDGMENT

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When the matter is taken up today, it is seen that the order of this Court dated 01.04.2024 has not been complied with. Hence, this Court is inclined to dismiss the suit for non-prosecution.

2. Accordingly, this Civil Suit is dismissed for non-prosecution. No costs.

25.06.2024

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C.S. (Commercial Division) No.330 of 2

P.VELMURUGAN, J.

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C.S. (Comm.Div.)No.330 of 2018

25.06.2024