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C.M.P.Nos.11916 & 11913 of 2024

C.M.P.Nos.11916 & 11913 of 2024

in

O.S.A(CAD)SR.No.54552 of 2024

M.SUNDAR, J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

[Order of the Court was made by M.SUNDAR. J.,]

A suit in C.S.(Comm.Div.)No.270 of 2019 *inter alia* with prayers for injunction qua copyright infringement came to be dismissed after full contest in and by 'judgment and decree dated 12.01.2024' {hereinafter 'impugned decree' for the sake of convenience, clarity and brevity}.

2. Assailing the impugned decree, captioned main OSA has been presented in this 'Commercial Appellate Division' {hereinafter 'CAD' for the sake of brevity} on 22.04.2024. Before the Commercial Division in the suit, plaintiff company was represented by one Mr.Raju N.Nair (Chief



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Operating Officer). Now in place of Mr.Raju N. Nair, Mr.Subin Punnoose (Business Head - South Zone) is to represent the plaintiff company and that has necessitated the filing of captioned 'Civil Miscellaneous Petitions' {hereinafter 'CMPs' for the sake of brevity} is petitioner counsel Mr.T.S.Baskaran's say.

3. We find that the captioned CMPs are predicated on a Power of Attorney but a Board Resolution by plaintiff company is a more desirable and a robust procedure. On this being pointed out, learned counsel on record for appellant sought leave of this Court to withdraw the captioned CMPs but made a plea to come up with same / similar or any other appropriate prayer / CMP based on Board Resolution. Learned counsel has made endorsements in the case file and scanned reproduction of the same are as follows:

Endorsement in C.M.P.No.11916 of 2024:



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C.M.P.No. 11916/24
This Petition being
dismissed on merits
with liberty to file
fresh petition
Sd/-
Counsel for Petitioner
12/6/24

Endorsement in C.M.P.No.11913 of 2024:

C.P.No. 11913/24
This Petition being
dismissed on merits
with liberty to file
fresh petition.
Sd/-
Counsel for Petitioner
12/6/24

4. In the light of the narrative thus far, captioned CMPs are disposed of as closed with the following riders:

- (a) We make it clear that we have not expressed any view or opinion on the merits of the matter qua CMPs much less main matter;



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(b) 22.04.2024 will continue to be the reckoning date as regards limitation for captioned OSA namely, OSA(CAD)SR.No.54552 of 2024 as regards this CAD is concerned;

(c) As already alluded to supra, all the rights and contentions of the petitioner company in the captioned CMPs are preserved for coming up with CMPs with same / similar or any other suitable / appropriate prayer, if so advised and so desired.

Captioned CMPs are disposed of as closed with the aforesaid observations. There shall be no order as to costs.

[M.S., J]

[K.G.T., J]

12.06.2024

mk

M.SUNDAR, J.,

and



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K.GOVINDARAJAN THILAKAVADI, J.,

mk

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