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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 195/2024, CRL.M.A. 27059/2024, I.A. 5431/2024, I.A. 29715/2024, I.A. 30218/2024 & I.A. 30977/2024**

ABILITIES INDIA PISTONS AND RINGS LIMITEDPlaintiff

Through: Mr. Tishampati Sen, Ms. Riddhi Sancheti, Mr. Anurag Anand and Mr. Mukul Kulhari, Advs.

versus

MITHILESH KUMAR MISHRA & ANR.Defendants

Through: Mr. Akif Abidi, Mr. Ahmad Ibrahim and Mr. Jeet Chakrabarti, Advs. for D-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% 28.07.2025

1. The instant suit is filed for the following reliefs:

"a. Pass an order injunctioning the Defendant no.1 from joining the employment of the Defendant no. 2 for a period of one year from 10.11.2023 or any other competitor of the Plaintiff for a period of one year from 10.11.2023;

b. Pass an order of injunction against the Defendant no. 1 restraining the Defendant no.1 from disclosing "Confidential Information" to third parties including the Defendant no. 2 in breach of the Non-Disclosure Agreement dated 22.07.2020;

c. Pass an order of injunction against the Defendant no. 2 prohibiting the Defendant no. 2 from inducing any employee of the Plaintiff to join its employment;

d. Pass an order of injunction against the Defendant no. 2 prohibiting the Defendant no. 2 from hiring /engaging the employee/former employee of the Plaintiff for a period of one year from the date of cessation of services with the Plaintiff;"

2. When the instant suit was called out for hearing on 24.07.2025, the



statement of defendant No.1 was placed on record, who contended that the suit had rendered infructuous. However, Mr. Tishampati Sen, learned counsel who appeared for the plaintiff, sought time to take instructions.

3. Mr. Sen, learned counsel appearing for the plaintiff, contends that so far as prayer A is concerned, the same has been rendered infructuous. However, prayer B to D still survives. He contends that defendant No.1 needs to be restricted from disclosing confidential information to third parties, including defendant No.2, in breach of the Non-Disclosure Agreement dated 22.07.2020. He further submits that defendant No.2 also needs to be prohibited from inducing any employee of the plaintiff to join its employment.

4. Mr. Akif Abidi, learned counsel appearing for defendant No.2, on the other hand, contends that the said defendant in paragraph F of the written statement has taken an unequivocal position that the plaintiff and defendant No.2 employ different process for manufacturing of its products, and the confidential information, if any, gained by defendant No.1 during his employment with the plaintiff company, is of no commercial importance to defendant No.2. He further submits that there is no reason as to why defendant No.1 would indulge in divulging any confidential information.

5. Learned counsel appearing for defendant No.2 further submits that there is no reason as to why defendant No.1 would induce any employee of the plaintiff to join its employment. He further contends that there have not been any such instances at the behest of the said defendant to justify the said relief.

6. I have considered the submissions made by learned counsel appearing for the parties and have perused the record.



7. Paragraph F of the written statement is extracted as under:

“F. Moreover, it is also important to submit here that Defendant No. 2 uses the process of "gravity die casting" for manufacturing of its pistons. In gravity die casting process the molten metal is poured onto the mould solely by use of gravitational force however, the process for which the Plaintiff has filed for patent employs "pressure die casting" system wherein the molten metal is injected into the mould by the use of pressure. Therefore, it is quite evident that both the Plaintiff and Defendant No. 2 employ different process for manufacturing of its products and the confidential information, if any, gained by Defendant No.1 during his employment with the Plaintiff company, is of no commercial importance to Defendant No. 2.”

8. The submissions, as recorded of defendant No.2, are taken on record, which would indicate that defendant No.2 is not inducing any employee of the plaintiff to join its employment.

9. Under the aforesaid facts and circumstances, the Court finds that as of date, there exists no cause to continue the instant civil suit.

10. However, the Court grants liberty to the plaintiff to re-institute the civil suit in case, occasion arises.

11. With the aforesaid observations, the suit stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

JULY 28, 2025/P/SP