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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(COMM) 538/2021, I.A. 14025/2021, I.A. 15400/2021, I.A.  
18/2022, I.A. 853/2022, I.A. 2663/2022, I.A. 6068/2022, I.A.  
10428/2022 & I.A. 19432/2022

CONTINENTAL ENGINES PRIVATE LIMITED ..... Plaintiff

Through: Mr. Neeraj Yadav and Mr. Hansdeep  
Singh, Advs.

versus

DR DARYAO SINGH KHATRI & ORS. .... Defendants

Through: Mr. Rajiv Kumar Choudhary, Adv.  
for D-1&2.

Ms. Archana Sahadeva and Mr.  
Siddharth Raj Choudhary, Advs. for  
D-3.

Mr. Sagar Chandra, Mr. Nikhil  
Sonker, Mr. Om Ram and Mr.  
Ravindra Raturi, Advs. for D-4.

**CORAM:**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**

**14.02.2024**

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1. Without prejudice to the rights and contentions of the parties, counsel for defendant Nos. 1 and 2 states that the technology in question, 'On Board Diagnostics (OBD-I)' has become obsolete as of 31<sup>st</sup> March, 2023 and is no longer in use anymore. Therefore, as per him, the suit could be disposed of as nothing would survive in the suit and issues will only be academic in nature.
2. Counsel for the plaintiff states that the technology may be obsolete in India but is being used elsewhere abroad. Counsel for the plaintiff, also submits that as regards the allegation of the plaintiff of infringing use by defendant Nos.1 and 2 (who was the consultant of the plaintiff's knowhow



and trade secrets), the issue regards alleged use by defendant Nos.1 and 2 would still remain pending. Presently, he claims that the source code of the said product which is commonly known as an ECU (Engine Control Unit), is required, which plea has been vehemently objected to by the counsel for defendant Nos.1 and 2.

3. It is noted that defendant No.3 was arrayed because of being the manufacturer of engines and had used the products supplied by defendant Nos.1 and 2. They were using the consultancy of defendant Nos.1 and 2 for potential supply of the ECU for the engines.

4. Defendant No.4 had been arrayed as an auto manufacturer who had proposed to utilise the engines made by defendant No.3; however, the counsel for defendant No.4 states that the said engines were never really utilised and, therefore, they may be deleted from the array of parties. Counsel for the plaintiff, however, objects on the account that the products of defendant No.4 were found at the premises of defendant Nos.1 and 2 and, therefore, he would still seek certain directions *qua* them.

5. These issues will be considered on the next date of hearing.

6. List on 11<sup>th</sup> July, 2024.

7. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**FEBRUARY 14, 2024/MK/na**