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

+ **CS(COMM) 847/2022 with I.A. 48438/2024**

MR. M.K. SRINIVASAN & ANR.Plaintiffs

Through: **Mr. Essenese Obhan, Ms. Ayesha
Guhathakurta, Advocates.**

versus

MR. MAGESH JAYARAMAN & ORS.Defendants

Through: **Ms. Rajeshwari H and Mr. Tahir A.J.,
Advocates for D-1 and 2.**

**Ms. Mani Gupta, Mr. Pranav
Malhotra, Mr. Shrijiet Roy
chowdhary, Advocates for D-3.**

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **16.12.2024**

I.A. 48438/2024 (filed by plaintiffs u/O XIV Rule 5 CPC for amendment of issues)

1. This application has been filed on behalf of the plaintiffs under Order XIV Rule 5 Code of Civil Procedure, 1908 for amendment of the issues framed by this Court on 26th November, 2024.

2. The issues framed on 26th November, 2024 are set out below:

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- i. *Is the captioned suit filed by the plaintiffs liable to be dismissed and returned as this Hon'ble Court does not have the territorial and pecuniary jurisdiction to try and adjudicate on the subject matter of the dispute? OPD*
- ii. *Whether the defendants have infringed the plaintiffs' suit patent IN 336440? OPP*
- iii. *Whether the plaintiffs have a copyright over para 'Introduction'*



contents of instruction manual of the product Taurus Digitrace DC P Series (361/451) Version 9? OPP

iv. *If yes, whether the defendants are in breach of the copyright of plaintiffs in respect of the instructions manual of the product Taurus Digitrace DC P Series (361/451) Version 9? OPP*

v. *Whether the plaintiffs are entitled to account of profits received by the defendants from sale of its product? OPP*

vi. *Whether the plaintiffs are entitled to damages for an amount of Rs.2,00,00,000 (Rupees Two Crore) from the defendants? OPP*

vii. *Whether the suit patent in respect of “DC Ground Fault Locator MGFL” and “DC Ground Fault Locator DGL – 1M” is liable to be revoked/cancelled as being not an invention within the meaning of Patents Act, 1971, as submitted in the Written Statement filed by the defendants? OPD*

viii. *Cost and relief.”*

3. The plaintiff seeks amendment of the issues no.(iii) and (iv) framed above in the following manner:

“(iii) Whether the plaintiffs have a copyright over the contents of its user manuals, catalogues and other promotional material? OPP

(iv) If yes, whether the defendants are in breach of the copyright of plaintiffs in respect of the plaintiff’s user manuals, catalogues and other promotional material? OPP”

4. Issue notice.

5. Notice is accepted by counsel for the defendants.

6. Mr. Essenese Obhan, counsel appearing for the plaintiffs has drawn attention of the Court to the relevant pleadings in the plaint vis-à-vis the aforesaid issues (refer paragraphs 51 and 52 of the plaint).

7. Having heard the counsel for the parties, in my view, the issues no.(iii) and (iv) as framed on 26th November, 2024 are required to be amended. The amended issues are set out below:



iii. *Whether the plaintiffs have a copyright over the contents of its user manuals, catalogues and other promotional material?* **OPP**

iv. *If yes, whether the defendants are in breach of the copyright of plaintiffs in respect of the plaintiff's user manuals and catalogues?* **OPP**

8. The remaining issues, as framed on 26th November, 2024, shall remain unchanged.

9. Application stands disposed of.

AMIT BANSAL, J

DECEMBER 16, 2024

PB