

**IN THE COURT OF THE XVIII ADDITIONAL CITY CIVIL JUDGE
AT BANGALORE CITY**

PRESENT: SRI PADMA PRASAD

B.A.(Law) LL.B.,
XVIII Additional City Civil Judge.

Dated this the 13th day of October 2022

ORIGINAL SUIT NO.2486/2021

PLAINTIFF

Srinivas S. Devathi,
Aged 44 years,
S/o Late D. Satyanarayana,
Residing at No.63, 11th 'B' Cross,
3rd Main, Prashanthnagar,
Bangalore-560 079,
INDIA.
Mobile (91)-903-589-4251
E-mail ID:
Srinivas@Coolcartechnology. com.

[By Party in Person]

/ v e r s u s /

DEFENDANTS:

1. Capgemini US/LIC,
79, fifth Ave, Suite 300, New York,
NY-10003, USA.
Tel: 001-212-314-8000.
Attention: CEO Mr. Aiman Ezzat,
Mr. Paul Hermelin, Mr. Jean –
Philippe Bol, Mr. William (Bill)
Schreiner, and Mr. Roy Stansbury.
2. HSBC Bank USA.,
452, Fifth Avenue, New York City,
NY-10018, USA
Tel: 001-212-525-5000 or
001-212-525-4955,
Attention: CEO Mr. Michael
Roberts, Ms. Heidi Pote,
Ms. Chrys Anetz, and
Mr. Ken Harvey.

3. Johnson & Johnson USA (Janssen Pharmaceuticals USA)
1125, Trenton – Harbourton Road,
Titusville, NJ-08560, USA.
Tel; 001-908-722-5393
Attention J &J CEO Mr. Alex
Gorsky, Mr. Joaquin Duato,
Janssen CEO: Mr. Tom Heyman,
Mr. Randy, McDaniels, and
Director Mr. Mike Comprelli.
4. Exxon Mobil Corporation
5959 Las Colinas Blvd Irving
Tx 75039-2298, USA,
Tel -001 (972) 940-6000,
Attention: CEO Mr. Darren Woods.
5. Tesla Motors Inc.,
3500 Deer Creek Rd, Palo Alto,
CA-94304, USA.
Tel-001-(650) 681-5000.
Attention: CEO Mr. Elon Musk.
6. United Nations – International
Court of Justice
Peace Palace,
Carnegieplein 2
2517 KJ The Hague
The Netherlands
Tel: +31 70 302 23 23.
Attention : President Judge
Mr. Peter Tomka,
Registrar Mr. Philippe Gautier, and
entire panel of Judges.
7. Office of the President, Harvard
University, Massachusetts Hall, 1,
Oxford St, Cambridge,
MA 02138, USA.
Tel: 001-617-495-1502.
Attention: Mr. Lawrence S. Bacow.

8. Facebook Inc.,
1601 Willow Rd, Menlo Park,
CA 94025, USA,
Tel: 001-650-308-7300 or
001-650-543-4800.
Attention: CEO Mr. Mark
Zuckerberg.

9. McDonald's Corporation,
110 North Carpenter Street,
Chicago, II -60607, USA
Tel:001-800-244-6227
Attention: CEO Mr. Chris
Kempczinski.

ORDERS ON MAINTAINABILITY

The present suit filed by the plaintiff in person for mandatory injunction in the nature of directions to the defendants and also prayed to question and challenge the defendants about the various questions stated in plaint para no.118 to 150 and to direct the defendant no.6 / United Nations – International Court of Justice to pass the orders stated in para no.117(a) to (q).

2. The case made out by the plaintiff namely Srinivas S.Devathi is that, he has invented a technology of Repeatable Vehicle Color Change

Technology in the quarter of the year 2007 in USA and also got the patent in USA from United States patent and trade marks office (USPTO) on 16/12/2014 bearing no.US8,910,998 and also filed 17 applications in various countries etc., and also got patents about his invention. On that basis, the plaintiff claims for issuance of various directions claimed in the suit. The plaintiff in paragraph 117(a) to (q) sought various directions from the International Court of Justice through this Court against the defendants in the suit. Apart from that, the plaintiff in the plaint after para no.117 requested the court to question and challenge the defendants with several questions that has been numbered as paragraph no.118 to 150, and also prayed 19 reliefs in a suit.

The prayer claimed by the plaintiffs is to restrain the defendants from blocking the wealth of 93 trillion earth-links (or dollar) from coming into India through his inventions, restrain the defendants from blocking the economic growth, process and development of India and propriety of Hindus living in India, refrain

the defendants from blocking the visionary goal defined by him for India goal year 2050, blocking the economic growth of India and entertaining the applications filed before the USPTO against his inventions etc.,

The plaintiff filed this suit without disclosing any cause of action and all the defendants are the foreign state authorities. Hence, this court raised the objection regarding the maintainability of the suit in the present form.

Accordingly the court directed the plaintiff to advance the arguments regarding the maintainability of the present suit.

3. On the basis of the above, point for consideration is that – **‘Whether the suit is maintainable in the present form under law or on facts?’**

4. Heard the plaintiff in person on 16/9/2022 and also filed a memo on that day he will drop the suit against defendant no.6 i.e., United Nations International Court of Justice.

5. Perused the pleading / plaint along with materials placed before the court. On that basis, my findings on the above point is in **negative** for the following:

REASONS

6. At the outset, it is relevant to note that the present suit is filed against the defendants who are all foreign authorities. The entire plaint nowhere discloses the cause of action for the suit. Any suit can be filed before the court if there is a cause of action for the suit, and there should not be any bar under law to entertain the suit, otherwise the suit is liable to be dismissed **under Order 7 Rule 11 (a) and (d) of the CPC that reads as -**

“11. **Rejection of plaint** – The plaint shall be rejected in the following cases:

(a) Where it does not disclose a cause of action;

(d) where the suit appears from the statement in the plaint to be barred by any law.”

7. I have repeatedly gone through the plaint that runs for 56 pages from paragraph 1 to 150 along with prayer found in page no. 51 to 55. The entire pleading nowhere discloses the cause of action for the suit. The entire plaint nowhere discloses that trade mark or patent obtained by the plaintiff has been infringed or any other person has obtained the trade mark on the patent obtained by the plaintiff. If at all, anybody has obtained similar patent, the plaintiff has to file a specific suit against that particular person or the authority that has been issued the patent. Infact, there is no material on record to show that the defendants have refused to entertain the claim of plaintiff. In fact, the plaintiff approached the court without exhausting his rights as contemplated under Section 41 (h) Specific Relief Act.

8. It is well settled principle of law that a cause of action means every fact, which if traversed, it would be necessary for the plaintiff to prove in order to support his right to a judgment of the court. In other words, it is bundle of fact which taken with the

law applicable to them gives the plaintiff a right to relief against the defendant. It must include some act done by the defendant. Since in the absence of such an act, no cause of action can possibly accrue. It is not limited to the actual infringement of the right sued on but includes all material facts on which it is founded. It does not comprise evidence necessary to prove such facts but every fact necessary for the plaintiff to prove to enable him to obtain a decree. But, in the case on hand, the plaintiff has not at all made out any case to show that any of the defendants have denied the claim of plaintiff nor the defendants are aware of the claim of plaintiff or the defendants are liable to act upon the claim of plaintiff. In the absence of any such material before the court, certainly it cannot be accepted that there is any cause of action for the suit.

9. As the entire plaint nowhere discloses the cause of action, certainly this suit cannot be entertained, and plaint is liable to be rejected.

10. Apart from that, as the defendants are all foreign authorities or envoys, the plaintiff has to file the suit by following Section 86 of the Civil Procedure Code. Section 86 of the Civil Procedure Code speaks about the suits against foreign Rulers, Ambassadors or Envoys. **Section 86 (1) and (2) reads as under:**

“86. Suits against foreign Rulers, Ambassadors and Envoys- (1) No [****] foreign State may be sued in any Court otherwise competent to try the suit except with the consent of the Central Government certified in writing by a Secretary to that Government:

Provided that a person may, as a tenant of immovable property, sue without such consent as aforesaid [a foreign State] from whom he holds or claims to hold the property.

(2) Such consent may be given with respect to a specified suit or to several specified suits or with respect to all suits of any specified class or classes, and may specify, in the case of any suit or class of suits, the Court in which [the foreign State] may be sued, but it shall not be given, unless it appears to the Central Government that [the foreign State]-

(a) has instituted a suit in the Court against the person desiring to sue [it], or

(b) by [itself] or another, trades within the local limits of the jurisdiction of the Court; or

(c) is in possession of immovable property situated within those limits and is to be sued with reference to such property or for money charged thereon, or

(d) has expressly or impliedly waived the privilege accorded to [it] by this section.”

11. As per Section 86, the suits against foreign Rulers, Ambassadors and Envoys, no one can sue without the express consent of the Central Government certified in writing by a Secretary to the Government. In the case on hand, the plaintiff has not produced any material before the court to show that he has obtained any such written permission from the Central Government to initiate the suits against defendant no.1 to 9 in the suit. As the plaintiff has failed to obtain any person from the Central Government to initiate the suit, certainly this suit is barred by law. Therefore, considered from any angle,

this suit in the present form is not maintainable as the plaintiff failed to make out any cause of action for the suit as well as not obtained any written permission from the Central Government, this plaint is liable to be rejected under Order 7 Rule 11 (a) and (d) of CPC. Accordingly, this point is answered in **negative**. In the result, following:

ORDER

- The suit is hereby dismissed as not maintainable in view of the non-obtaining of permission in writing from the Central Government to institute the suit against the defendants as per Section 86 (1) and (2) of CPC, and consequently plaint is rejected under Order 7 Rule 11 (a) and (d) of CPC.

* * *

[Dictated to the Judgment Writer directly on computer, **Script** corrected, signed and then pronounced by me, in the Open Court on this the **13th day of October 2022.**]

[PADMA PRASAD]
XVIII Additional City Civil Judge.
BANGALORE.

...Order pronounced in the Open Court.... (Vide separate detailed order..)

- The suit is hereby dismissed as not maintainable in view of the non-obtaining of permission in writing from the Central

Government to institute the suit against the defendants as per Section 86 (1) and (2) of CPC, and consequently plaint is rejected under Order 7 Rule 11 (a) and (d) of CPC.

[PADMA PRASAD]
XVIII Additional City Civil Judge.
BANGALORE.

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