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(Civil)
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**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 40/2022

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. Legal and Treaties Division,
Ministry of External Affairs,
Room# 901, Akbar Bhavan,
Chanakyapuri,
New Delhi-110 021.
Ph:91-11-24674144.

Represented by Mrs. Uma Sekhar,
Additional Secretary, also
representing External Affairs
Minister Mr. S. Jaishankar.

2. Summits Division,
Ministry of External Affairs,
Jawaharlal Nehru Bhavan,
Room # 2025,

A-Wing, Janpath,
New Delhi-110 011.

Represented by Mr. Prakash
Gupta, Joint Secretary also
representing External Affairs
Minister Mr. S.Jaishankar.

3. UNES (United Nations Economic and Social) Division,
Ministry of External Affairs,
Jawaharlal Nehru Bhavan,
Room # 1033, A-Wing, Janpath,
New Delhi-110 011.
Ph: 91-11-23088425.

Represented by Mr. Srinivas
Gotru, Joint Secretary also
representing External Affairs
Minister Mr. S. Jaishankar.

4. Protocol Division,
Ministry of External Affairs,
Jawaharlal Nehru Bhavan,
Room # 2001, C-wing, 23D,
Janpath, New Delhi-110 011.
Tel: 91-11-23088602.

Represented by Mr. Nagesh Singh,
Joint Secretary, also representing
External Affairs Minister
Mr.S.Jaishankar.

5. Director General and Inspector
General of Police, Police
Headquarters, Nrupatunga road,
Bengaluru-560001.
Tel:91-80-22942999.

Represented by Mr. Praveen Sood.

6. Inspector of Police,
Vijayanagar Police Station,
Vijaynagar, Bengaluru-560 040.
Tel:91-80-22942514.

Represented by Mr. Satish Kumar.

ORDERS ON MAINTAINABILITY

The present suit filed by the plaintiff in person for mandatory injunction in the nature of directions to be given to the defendants to carry out the prayers claimed by the plaintiff i.e., to say neutralize the negative tactics prayer points, and in all the plaintiff prayed 30 prayers in the suit.

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 claims that the united efforts have been made by the plaintiff for the sake of India to bring the wealth to India etc., and also claims that there is a threat to the life of plaintiff etc.,

The 30 prayers claimed by the plaintiff is to issue directions to defendants including United Nations General Assembly, United Nations International Court of Justice, United Nations Security Council, United Nations Secretariat, and also to do the local investigation etc.,

The plaintiff filed this suit without disclosing any cause of action. But, the relief is prayed to issue directions to the United Nations Organizations which is the foreign entity. 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.

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. 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 29 pages from paragraph 1 to 62 along with 30 prayers. 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 also relevant to note that there is no material on record to show that the plaintiff has filed any complaint before defendant no.5 and 6 to hold any investigation as claimed by him. Without there being any complaint, certainly the defendant no.5 and 6 cannot investigate. Further, even there is no material on record to show that the other defendants have also refused to do any act as claimed in the plaint. Further, there is no material on record to show that the defendants are bound to do the relief claimed in the suit.

9. 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.

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

11. 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, 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, 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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