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JUDGEMENTOPEDIA

(Learning Judgements For A Living)

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Can a dress design reproduced more than 50 times claim IP protection without being registered under the Designs Act or will it fall under the limitations of the Copyright Act?

CONTEXT: The plaintiff, Ritika Private Limited, claimed copyright infringement on its original drawings and sketches used for its RITU KUMAR brand dresses, alleging that the defendant, Biba Apparels Private Limited, was reproducing these designs. The plaintiff also alleged a violation of its trade secrets by the defendant, who employed former employees of the plaintiff. The defendant argued that the plaintiff's copyright had ceased under Section 15(2) of the Indian Copyright Act, 1957 because the designs were capable of registration under the Designs Act, 2000, but had not been so registered, and had been applied to articles produced more than 50 times by an industrial process. The defendant also contended that the alleged trade secrets were merely the designs, and thus subject to the same limitations.

The Court finds that the plaintiff's suit is barred by Section 15(2) of the Indian Copyright Act, 1957 and therefore, the suit is dismissed.

The Court also finds that the plaintiff's claim of trade secret violation is unsubstantiated.

RITIKA PRIVATE
LIMITED V. BIBA
APPARELS PRIVATE
LIMITED
[2016 SCC ONLINE
DEL 1979]

SECTION 2(c), 15(2)
OF THE INDIAN
COPYRIGHT ACT,
1957

SECTION 2(d) OF
THE DESIGNS ACT,
2000

A sufficient cause must be established for the condonation of delay

**BEML EMPLOYEES
COOP. SOCIETY LTD.**

V R. DANUSH

**[2024 SCC ONLINE
NCDRC 349]**

CONTEXT: The appellant, BEML Employees Coop. Society Ltd., filed a First Appeal with a delay of approximately 288 days. The appellant cited pending litigations in various courts and mismanagement by the society's office bearers as reasons for the delay.

The application for condonation of delay is

- 1 disallowed and the appeal is dismissed as barred by limitation.

The court found that the reasons provided by the appellant did not constitute sufficient cause for the delay and that

- 2 condoning such a delay would contradict the purpose of the Consumer Protection Act, 2019, which is to ensure the speedy disposal of cases.

**CONSUMER
PROTECTION ACT,
2019**

What is the resolution for dissolution of marriage and financial settlement amid separation and maintenance disputes?

PARVIN KUMAR JAIN
V. ANJU JAIN
[12 S.C.R. 543 : 2024
INSC 961]

CONTEXT: The parties were married in 1998 and have a son, but have been living separately since 2004. The husband initially filed for divorce, which was later withdrawn. The wife sought enhanced interim maintenance. The parties have been engaged in legal battles over maintenance for many years. The High Court enhanced the interim maintenance and the husband appealed to the Supreme Court. Both parties eventually agreed to dissolve the marriage by mutual consent.

The Supreme Court dissolves the marriage between the parties, grants a one-time settlement of Rs. 5 crores to the wife, and Rs. 1 crore for the son's maintenance, to be paid within four months.

The appeals are disposed of with these directions.

**ARTICLE 142 OF THE
CONSTITUTION OF
INDIA**

**SECTION 24,
SECTION 26,
SECTION 13(1)(ia)
OF THE
HINDU MARRIAGE
ACT, 1955**

A DNA test can be ordered only if a strong prima facie case is established

CONTEXT: The plaintiff, Sreedevi Amma, filed a suit for partition claiming to be the daughter of Kuttikrishnan Nair and Madhavi Amma. She claims that Kuttikrishnan Nair married Madhavi Amma, and she was born during that wedlock. The defendants (Gangadharan and Saradha) are the children of Kuttikrishnan Nair and his second wife, Lakshmi Appissi. They deny that Kuttikrishnan Nair married Madhavi Amma or that the plaintiff is his daughter. The plaintiff sought a sibling DNA test to prove her paternity. The trial court initially allowed the test, but it was challenged and then allowed again after reconsideration. This petition challenges that order. The plaintiff argues that there is no direct evidence to prove the marriage between Kuttikrishnan Nair and Madhavi Amma, and a DNA test is essential. The defendants contend that Kuttikrishnan Nair was married to Lakshmi Appissi, and they are the children of that marriage. The court has to determine whether there is a strong prima facie case to order a DNA test.

1 The Court overturns the lower court's order allowing the sibling DNA test. The Court finds that the plaintiff has not made out a strong prima facie case to warrant a DNA test.

2 The matter will now proceed in the trial court, without consideration of the DNA test order.

GANGADHARAN V.
SREEDEVI AMMA AND
SARADHA
[OP(C) NO. 2833 OF
2023]

**SECTION 112 OF THE
EVIDENCE ACT, 1872**

**SECTION 16 OF THE
HINDU MARRIAGE
ACT, 1955**

Madhya Pradesh High Court upholds Gram Panchayat's shopping complex construction & dismisses PIL

CONTEXT: The petitioner, an ex-Sarpanch, filed a PIL challenging the demolition of an old government school building by the Gram Panchayat and the subsequent construction of a shopping complex, alleging procedural violations under Section 65 of the Madhya Pradesh Raj Evam Gram Swaraj Adhiniyam, 1993, and the Madhya Pradesh Gram Sabha (Sammilan Ki Prakriya) Niyam, 2001. The respondents justified the demolition due to the building's dilapidated condition and provided evidence of a new school constructed on alternate land. They accused the petitioner of filing the PIL out of personal animosity against the current Sarpanch and obstructing the shopping complex auction.

The court dismissed the PIL, imposed costs of ₹25,000 on the petitioner, and held that the construction was lawful.

It concluded the PIL was a misuse of legal processes for personal vendetta.

JITENDRA SINGH
MANDLOI V. STATE
OF M.P.
[W.P. NO.6276 OF
2024]

**ARTICLE 226 OF THE
CONSTITUTION OF
INDIA**

**SECTION 65 OF THE
MADHYA PRADESH
RAJ EVAM GRAM
SWARAJ ADHINIYAM,
1993**

**MADHYA PRADESH
GRAM SABHA
(SAMMILAN KI
PRAKRIYA) NIYAM,
2001**