



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CS No. 255 of 2001

and

O.A.Nos.304 & 305 of 2001

Mr.Jada Somaraju

..Plaintiff(s)

Vs

1. Lakshmi Vijaya General Stores,
Main Bazaar, Giddalur,
Andhra Pradesh.

2. Nattakula Rajasekaran,

..Defendant(s)

Civil Suit filed under Order IV Rule 1 of O.S. Rules read with Order VII Rule 1 CPC and Sections 105 and 106 of the Trade and Merchandise Marks Act, 1958 and under Section 55, 56, 60 and 62 of the Copyright Act, 1957, praying for judgment and decree:

a) granting a permanent injunction restraining the defendant by itself, its servants or agents or anyone claiming through it from in manner infringing the plaintiff's well established trade mark "CHAKRAVARTHI" together with the device of a saint, by using the offending trade mark "CHAKRAVARI" together with the device of a saint or any other mark or marks which are in any way identical with or colourable imitation of the plaintiff's well established trade mark "CHAKRAVARTHI" together with the device of a saint;

b) granting a permanent injunction restraining the defendants by themselves, their servants or agents or anyone claiming through them from in any manner infringing the plaintiff's well established copyright over the artistic



work CHAKRAVARTHI label together with the device of a saint by using the offending artistic work label CHAKRAVARI together with the device of a saint” or any other work or works which are in any manner identical with or a colourable imitation of the plaintiff’s well established copyright over the artistic work “CHAKRAVARTHI” together with the device of a saint;

c) granting a permanent injunction restraining the defendants, their servants or agents or anyone claiming through it from in any manner passing off of their cigars bearing the offending artistic work and the trade mark label CHAKRAVARI together with the device of a saint as and for the well established cigars of the plaintiff bearing the well established artistic work and the trade mark “CHAKRAVARTHI” together with the device of a saint either by manufacturing, or selling or offering for sale or in any manner advertising the same;

d) directing the defendants to render a true and faithful account of the profits earned by them through the use of the offending trade mark and the artistic work CHAKRAVARI together with the device of a saint and directing payment of such profits to the plaintiff for the passing off committed by the defendant;

e) directing the defendants to surrender to the plaintiffs the entire stock of unused offending saint labels together with blocks and dyes for destruction; and

f) directing the defendant to pay to the plaintiff the cost of the suit.

For Plaintiff(s): No appearance

For Defendant(s): No appearance



JUDGMENT

When the matter was taken up for hearing on 05.06.2026, there was no representation on behalf of the plaintiff and at request of the learned counsel for the defendant, the matter was directed to be posted on 06.07.2026. Again when the matter was taken up for hearing on 06.07.2026, none represented the plaintiff. Hence, the matter is directed to be listed under the caption “For Dismissal” on 08.07.2026. Even on 08.07.2026 and on 20.07.2026, when the case was listed, neither the plaintiff nor his counsel represented him. Hence, in order to give one more opportunity, the matter was listed on 22.07.2026 (today).

2. Even today, there is no representation on behalf of the plaintiff. Hence, it is evident that the plaintiff is not interested in prosecuting the case any further. Accordingly, this suit stands dismissed for non-prosecution. No costs.

22-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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K.KUMARESH BABU, J.

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