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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.12.2015

CORAM

THE HONOURABLE MR. JUSTICE **K.K.SASIDHARAN**

C.S.No.75 of 2002

Titan Industries Limited
Having its Corporate Office at
Golden Enclave, Tower-A,
Airport Road,
Bangalore 560 017
Represented by its Manager-Legal Services
and Power of attorney, T.Srinivasa Murthy.
... Plaintiff

Vs.

Kanishik Jewellery
No.43, Usman Road,
T.Nagar, Chennai 600 017,
Rep.by its Managing Director
Mr.Bhupesh Jain.
... Defendant

PRAYER: Complaint filed under Order IV Rule 1 of O.S.Rules r/w
Order VII Rule 1 of C.P.C. Praying for the following
reliefs:-

For permanent injunction restraining the defendant
by itself, its proprietors/partners, directors, officers,
servants, agents, representatives, distributors, stockists,
successors-in-business, assigns, or any of them, or anyone
claiming through it, from directly or indirectly in any
manner, from making use of the name Kanishk for its goods
other name which is deceptively, phonetically and



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confusingly similar to the plaintiffs' name TANISHQ and also from passing off its name and goods under the name KANISHK, as and that of the plaintiff's, or from using any other name/trading style which is deceptively, phonetically and confusingly similar to the plaintiff's name TANISHQ, amounting to acts of passing off; b) directing the defendant to deliver up entire stock of advertisement material, catalogues, pamphlets and brochures from the defendant or any other items which are deceptively similar to and or used for the purposes of passing off its goods as and for those of the plaintiff and directing the defendant to pay the costs of the suit.

For Plaintiff : Mr.V.Jayachandran

For Defendant : Mr.Arun C.Mohan

JUDGMENT

The plaintiff had filed the suit in C.S.No.75 of 2002 against the defendant praying for a decree of permanent injunction .

2. The defendant entered appearance on receipt of summons. Thereafter, the parties have settled the matter.



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3. The parties have filed a joint memorandum of compromise dated 14.12.2015 indicating the terms and conditions of settlement.

4. Thiru.H.Chandra Sehkar, authorized representative of the plaintiff and the authorized representative of the defendant are present in Court.

5.The Authorized representative of the plaintiff and the defendant have confirmed the execution of Joint memorandum of compromise.

6. The suit is decreed in terms of memorandum of compromise. The Joint memo of compromise dated 14 December 2015 shall form part of the decree. No costs.

sd/.K.K.S.J

16.12.2015

//Certified to be a true copy//

Dated this the day of 2016

R.s/13.04.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.