

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 03.03.2015

+

CS(OS) 187 of 2010

TATA SONS LIMITED

..... Plaintiff

Through: Mr. Raunaq Kamath, Adv.

versus

M. VELLINGIRI & ANR.

..... Defendants

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. The present suit has been filed by the plaintiff for permanent injunction restraining infringement of trademark, passing off, dilution of trademark, damages, rendition of accounts, delivery up, etc. against the defendants. The plaintiff claims to be the owner of the trademark 'TATA'. The plaintiff as well as its sister concerns claim to be the owners of several registered trademarks containing or comprising the word 'TATA' in class 25, such as *A TATA PRODUCT; TATA; TATA KISAN SANSAR (LABEL); TATA KISAN SANSAR (HINDI LABEL)*, etc. It is submitted that the relevant trademarks are being used since 1992.
2. The defendants were engaged in the business of selling of *lungis* bearing the trademark of the plaintiff 'TATA'.
3. In terms of order dated 3.2.2010, the Local Commissioners were appointed to visit the premises of the defendants. As per the report of

the Local Commissioners, infringing products were found at the premises of defendant No.2 in the form of 250 *lungis*. It is stated that the original defendant No.2, Mr. S Jayaprakasam had given an undertaking that he would not infringe the trademark of the plaintiff whereupon the suit was disposed off with respect to him.

4. Subsequently, Mr. Vishwanathan, the present defendant No.2 was impleaded vide order dated 7.12.2011. He was proceeded *ex parte* on 25.2.2013.
5. The plaintiff led its evidence through the affidavit of Mr. Sanjay Singh, which reiterated the claim in the suit. It has not been controverted and hence there is no reason to disbelieve the same. The infringement of the plaintiff's trademark 'TATA' by defendant No.2 is established from the report of the Local Commissioner as aforesaid.
6. Accordingly, the suit is decreed in terms of prayers (i) & (ii) in the plaint. The learned counsel for the plaintiff does not press for other prayers except for a claim for punitive damages, which in the circumstances is fixed at Rs.1.00 lac along with costs towards suit and expenses and fees incurred towards execution of Local Commissions.
7. The suit is disposed off.
8. The decree sheet be drawn up accordingly.

MARCH 03, 2015
b'nesh

NAJMI WAZIRI, J.