

Application Nos.341, 342, 343, 344 of 2019
in
Civil Suit No.561 of 2016

S.VAIDYANATHAN,J.

These Applications are filed seeking the following reliefs:

A.No.341 of 2019	To pass an order for appropriate action against the respondents 1-3 including attachment of the properties of the Respondents and committing the Respondents 1 to 3 to civil prison, for wilful and deliberate disobedience of the injunction order dated 18.08.2016 passed by this Court in O.A.No.678/2016 in C.S.No.561/2016, which is subsisting till date directing that the Respondents 1 to 3 disclose to the Court the names of the parties from whom they have been procuring the infringing material and the persons to whom they have been selling and supplying the same.
A.No.342 of 2019	To take appropriate action against the respondents 1 to 3, including attachment of the properties of the Respondents and committing Respondents 1 to 3 to civil prison, for wilful and deliberate disobedience of the injunction order dated 18.08.2016 passed by this Court in O.A.NO.679/2016 in C.S.No.561 of 2016 which is subsisting till date directing that the Respondents 1 to 3 disclose to the Court the names of the parties from whom they have been procuring the infringing material and the persons to whom they have been selling any supplying the same.
A.No.343 of 2019	To take appropriate action against Respondents 1-3, including attachment of the properties of the Respondents and committing the Respondents 1 to 3 to civil prison, for wilful and deliberate disobedience of the injunction order dated 18.08.2016 passed by this Court in O.A.No.680/2016 in C.S.No.561 of 2016 which is subsisting till date directing that the Respondents 1 to 3 disclose to the Court the names of the parties from whom they have been procuring the infringing material and the persons to whom they have been selling and supplying the same.

A.No.344 of 2019	To direct the respondents to disclose the names and addresses of the suppliers/printers printing the impugned label under the mark THE MANGOES
------------------	--

2. Heard Mr.C.Manishankar, learned Senior Counsel leading Mr.Arun C.Mohan, learned counsel for the Applicant. The Proprietor of Shree Devi Match Industries, Gudiyattam Taluk, viz. Vinayagam, the 1st Respondent in all the above Applications appeared before this Court today along with his son V.Hari. Though Mr.L.Ramu, learned counsel represented the 2nd Respondent on the last two occasions, there is no representation for the 2nd Respondent today.

3. When the matter came up for hearing on the last occasion, this Court directed the 1st Respondent to be present before this Court and furnish the details of the properties owned by him and the names and addresses of the Suppliers/Printers, who are printing the impugned label under the mark THREE MANGOES.

4. Today, when this Court questioned the 1st Respondent to disclose the names and addresses of the suppliers/printers printing the impugned label under the mark "THREE MANGOES", the 1st Respondent submitted that he is not running his business since 2016 and that he has no connection with the other Respondents/Defendants.

5. The 1st Respondent herein viz. Vinayagam is aged 74 years. Taking note of his old age, this Court granted him sufficient opportunities to disclose the names of the parties from whom they have been procuring the infringing material. Though the 1st Respondent disclosed the name of one Printer viz. SR Printers, Sivakasi as the Supplier of the infringing material, on the last occasion, today, he stated that he is not running the business for the past four years and he did not furnish the names and addresses of any Supplier. He further stated that he does not own any property in his name.

6. Learned Senior Counsel appearing for the Applicant/Plaintiff, referring to the Advocate Commissioner's Report, submitted that the Advocate Commissioner found 72,000 match boxes at the premises of the 2nd Defendant in 2018, which has increased from 160 match boxes that were found in the year 2016.

7. In the Memo of Objections dated 30.03.2019 filed by the Applicant/Plaintiff, it is clearly stated that the 2nd Defendant has filed an Affidavit dated 18.03.2019 stating that he is doing job work for the 1st Defendant/1st Respondent and that he is not directly involved in the infringing activities. While so, the 1st Respondent in his Letter dated 25.03.2019 addressed to this Court, has categorically stated that he does not

8. From the above, it is quite clear that the 1st Respondent has been making contradictory statements. As the 1st Respondent/1st Defendant is taking inconsistent stand in disclosing the names of the Printers/Suppliers of the infringing goods, this Court, in terms of Order 39 Rule 2A, passes the following order:

- (i) The 1st Respondent shall disclose the list of properties belonging to him as on the date of passing of the interim order and the same shall be attached;
- (ii) A copy of this order shall be marked to the Sub-Registrar concerned, who shall make encumbrance of the properties belonging to the 1st Respondent and the shall not be dealt with in any manner without further orders of this Court;
- (iii) As the order of this Court has been disobeyed, more particularly, in the light of the Advocate Commissioner's Report, the 1st Respondent shall be detained in Civil prison for a period of seven (7) days;

9. Though, this Court had given enough opportunities to the 2nd Respondent to comply with the conditions mentioned in the order dated

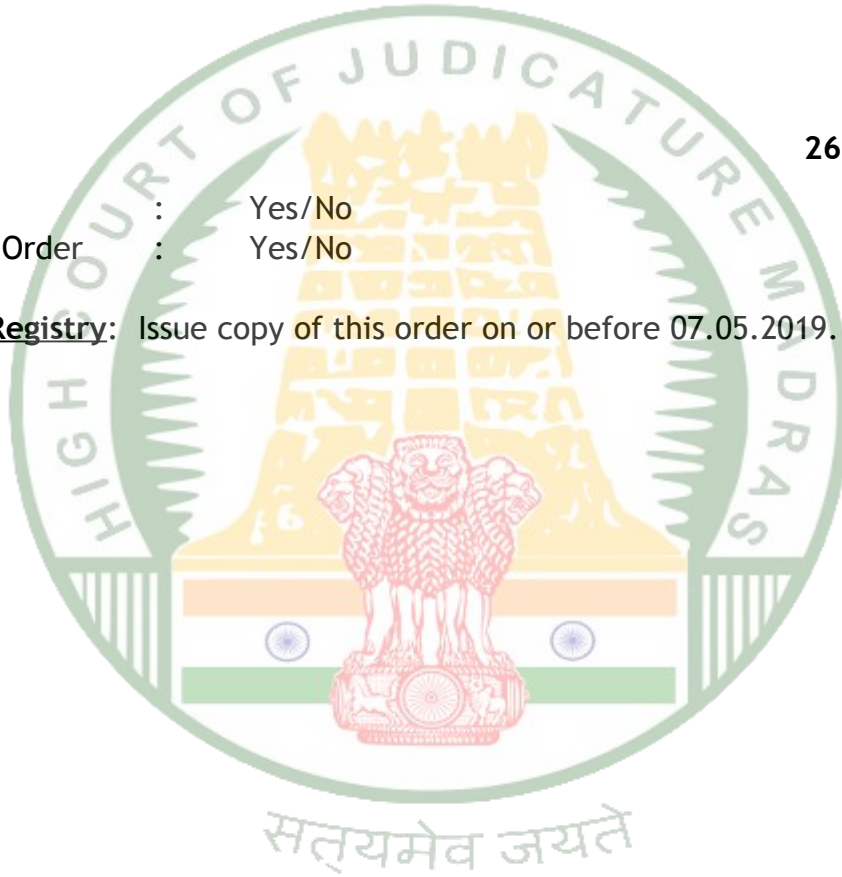
<http://www.judis.nic.in> 11.02.2019, the 2nd Respondent has not complied with the same. Hence, as a

last opportunity, this Court directs the 2nd Respondent to comply with the order dated 11.02.2019, on or before 15.05.2019. If there is no compliance of the said order within the time stipulated by this Court, Non-Bailable Warrant is deemed to have been issued against the 2nd Respondent, who shall be produced before this Court on 03.06.2019.

26.04.2019

Index : Yes/No
Speaking Order : Yes/No

Note to Registry: Issue copy of this order on or before 07.05.2019.
(aeb)



WEB COPY

(aeb)



A. Nos.341, 342, 343, 344 of 2019
in
Civil Suit No.561 of 2016

WEB COPY

26.04.2019