

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.08.2016

CORAM

THE HONOURABLE MRS. JUSTICE **PUSHPA SATHYANARAYANA**

C.S.No.735 of 2010

Maya Appliances (Pvt) Ltd
Represented by its Deputy General Manager
Mr.A.Subramanian,
New No.2 (Old No.8),
Boat Club, 1st Avenue,
Chennai 600 028

... Plaintiff

Vs.

1. M/s.Sangeeta Appliances
Rep by its Proprietor
Village Kolgaon,
Palghar 401 404
Maharashtra
 2. M/s.Sundev Marketing
Rep by its Proprietor
107/111, Gorai Link Road,
RDP-1, Gorai, Borivali (w),
Mumbai - 400 092
 3. M/s.Innovative Zone
Rep by its Proprietor
133, Eldams Road,
Teynampet,
Chennai 600 018
- ... Defendants

PRAYER: Plaint under Order IV Rule 1 of O.S. Rules r/w. Order VII
Rule 1 of C.P.C. Section 22 of the Designs Act, 2000 and Section

134 and 135 of the Trade Marks Act, 1999 praying for a judgment and decree jointly and severally against the defendants (i) permanent injunction restraining the defendants, their servants, agents, employees, representatives, from in any manner, infringing the plaintiff's registered designs and from, in any manner, selling, advertising and offering to sell the products, by using the plaintiff's registered design or any design which is identical with or deceptively similar to the plaintiff's design (ii) permanent injunction restraining the defendants, their servants, agents, employees, representatives, from in any manner infringing the plaintiff's registered Trade Mark and from in any manner selling, advertising, offering to sell, or using the plaintiff's Trade Mark; (iii) permanent injunction restraining the defendants, their servants, agents, employees, representatives, from in any manner passing off the plaintiff's Trade Mark and from in any manner representing the defendant's goods as that of the plaintiff's, by selling, advertising, offering to sell, or using the plaintiff's Trade Mark or any mark or product which is identical with or deceptively similar or confusingly similar to the plaintiff's Trade Mark and / or shape, color scheme, get up etc. of the products and (ii) directing the defendants to pay to the costs of the suit.

For Plaintiff : No Appearance

For Defendants : No Appearance

JUDGMENT

Mr.N.Surya Senthil, Ms.S.Lakshmidevi and C.D.Johnson, learned counsels appearing for the plaintiff in the above suit had filed a memo dated 14.07.2016 stating that all the papers relating to the suit were handed over to Mr.Subramanian of the Plaintiff Company along with endorsement of 'no objection' for change of vakalat to continue with their new attorneys. Thereafter, though the name of the plaintiff-Company is printed in the cause list, there was no appearance for them. Even today, when the matter is listed with the name of the plaintiff-Company being printed in the cause list, there is no representation for the plaintiff. Even for the defendants, there is no representation. Hence, the Civil Suit is dismissed for non prosecution. No costs.

17.08.2016

srn

PUSHPA SATHYANARAYANA.J

C.S.No.735 of 2010

17.08.2016