

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

C.S.No.155 of 2016

V.V.D. & Sons Pvt. Ltd., rep. by
its Authorised Signatory. ... Plaintiff

-vs-

M/s.Krishnaveni Oil Mill, rep. by
its Proprietor, Mr.K.M.Kandasamy. .. Defendant

Plaint filed under Order IV Rule 1 of Madras High
Court Original Side Rules read with Order VII Rule 1 of CPC
read with Sections 27, 29 and 134 of Trade Mark Act, 1999.

For Plaintiff : Mr.P.V.S.Giridhar
for M/s.Giridhar & Sai

For Defendant : Mr.K.V.Subramanian, Sr.Counsel
for Mr.S.Chandrasekharan

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J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief
Justice)

The plaintiff has filed the suit for infringement of
plaintiff's registered trade mark V.V.D. Gold by use of an
alleged identical or similar mark K.N.K. Gold coupled with

the relief of passing off, destruction of materials, rendering of true accounts of profits, compensation and punitive damages and costs.

2.The suit was initially contested by the defendant. The plaint was accompanied by applications for interim reliefs in which favourable final orders were passed on 16.06.2016. The defendant preferred appeals in O.S.A.Nos.179 and 180 of 2016 against the said orders and in the course of hearing of the appeals, endeavours were made to settle not only the interlocutory appeals, but the suit itself. That endeavour has been fruitful inasmuch as the defendant has agreed to alter its label and mark. The offending mark and labels are at pages 62 to 69 of the typed set of documents filed along with interlocutory applications filed by the defendant, which are exhibited as Exhibit 'A' (series), by consent.

3.The new non-offending mark and label adopted by the defendant has been produced before us and taken on record and by consent, marked as Exhibit 'B'. The plaintiff has no objection to the use of the said Exhibit 'B' by the defendant.

4.In view of the aforesaid arrangement, it is agreed that a decree in terms of Prayer (a) and (b) be passed in favour of the plaintiff and against the defendant in respect of Exhibit 'A'. In view of the decree having been passed in terms of prayer (a) and (b), the materials with

the offending mark and label be destroyed by the defendant as per prayer (c). Prayers (d), (e) and (f) have been given up by the plaintiff.

5.Civil Suit is decreed in the aforesaid terms, leaving the parties to bear their own costs. Decree be drawn accordingly. Exhibit 'A' (series) and Exhibit 'B' shall form part of the decree sheet.

(S.K.K., CJ.) & (R.M.D., J.)
06.10.2016

//Certified to be a true copy//

Dated this the day of 2016.

R.s/16.12.2016

COURT OFFICER

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

सत्यमेव जयते

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