

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.10.2017

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

C.S.No.289 of 2017

&

O.A.Nos.390 and 391 of 2017

GMR Enterprises Private Limited (GEPL),
having its registered Office at
Unit No.1B, First Floor,
Riaz Garden, Old No.12,
New No.29,
Kodambakkam High Road,
Chennai, Tamilnadu 600 034

... Plaintiff

Vs

GMR Hospital,
5/PC 2, Bharathi Salai,
Mogappair West,
Chennai,
Tamilnadu 600 037

... Defendant

Plaint filed under Order VII, Rule 1 of CPC, read with Sections 27, 28, 29, 134 and 135 of the Trademarks Act, 1999 praying for ;

(a) a permanent injunction restraining the defendant, their principal officers, assignees, family members and any one acting for and on their behalf from using, offering services under the impugned trademark, advertising or promoting the impugned Trade Mark 'GMR Hospital' or any other mark which is in violation of the Plaintiff's rights in the mark GMR causing infringement in respect of any products and services whatsoever;

(b) a permanent injunction restraining the Defendant, their principal officers, assignees, family members and anyone acting for an on their behalf from using, offering services under the impugned trademark, advertising or promoting the impugned Trade Mark "GMR Hospital" or any other mark which is in violation of the Plaintiff's rights in the mark GMR causing passing off in

respect of any products and services whatsoever;

(c) the defendants be ordered and decreed to pay to the Plaintiff a sum of Rs.1,00,000/- as damages for acts of infringement of plaintiff's Trademark;

(d) for an order of Rendition of Accounts of profits illegally earned by the Defendant by use of the mark "GMR Hospital" and from offering the services under the said mark and a decree for the amount so found due be passed in favour of the Plaintiff. The Plaintiff undertakes to pay further court fees once the sum is ascertained on the Defendant's rendering true and correct accounts.

(e) An order of delivery up of all material relating to the impugned mark "GMR Hospital" or any mark similar to/containing the Plaintiff's GMR trademark including packaging, blocks, bottles, publicity materials, sign boards, stationery, etc.

(f) costs of the suit ;

For Plaintiff : Mr.Abrar Abdulla

For Defendant : Mr. R. Sathishkumar

ORDER

A report of the Mediator dated 14.09.2017 enclosing Mediation Agreement duly executed by the parties as well as the respective counsel is placed on file.

2. In view of the fact that the parties have settled the matter amicably as per the terms of the Mediation Agreement, which are made part and parcel of this order, the suit stands decreed in terms of the Mediation Report. Parties to bear their own costs. Consequently, the connected applications are closed.

3. In view of the settlement of the matter, the Court Fee paid is liable to be refunded in terms of Section 69-A of the Tamilnadu Court Fee and Suits Valuation Act, 1955 and I direct so.

05.10.2017

Speaking Order/non-speaking order

Index:yes/No

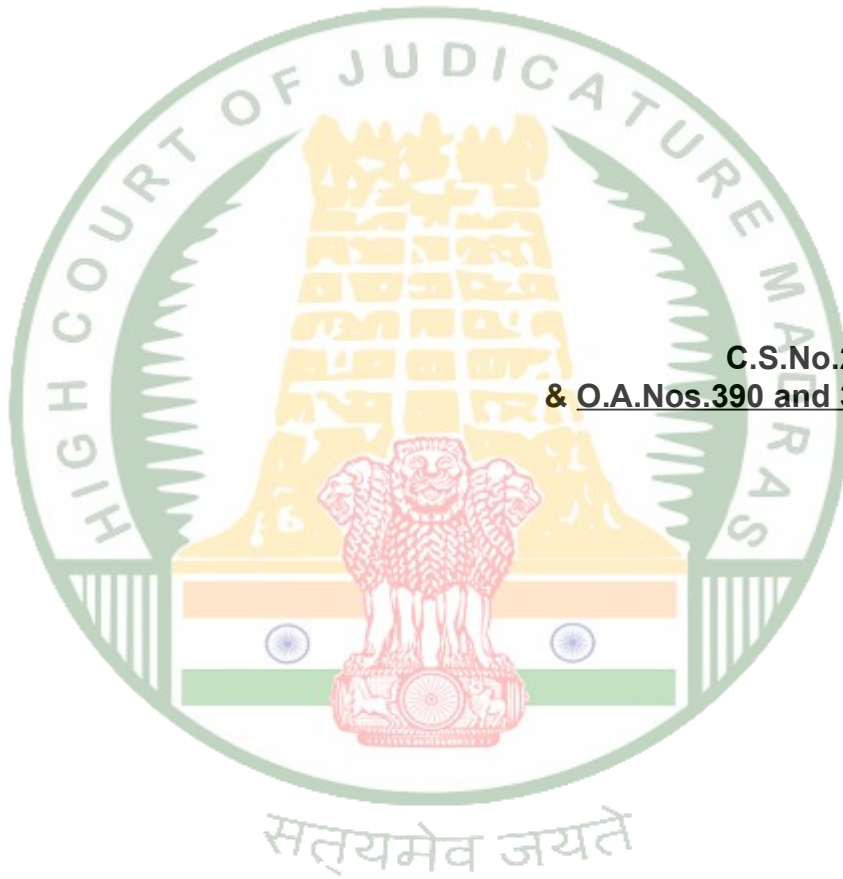
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DR. ANITA SUMANTH, J.

msr



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