

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2017

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

C.S.No. 535 of 2017

and

Original Application No. 682 of 2017

1. SR Trust,
Represented by its President &
Managing Trustee Dr. S. Gurushankar
Meenakshi Mission Hospital & Research Centre
Lake Area, Melur Road,
Madurai, Tamil Nadu,
India - 625107. ... 1st Plaintiff

2. Dr.S.Gurushankar
2/47, Melur Road, Uthangudi,
Madurai, Tamil Nadu,
India 625 107 .. 2nd Plaintiff

Vs.

1. Annai Film Factorie
Represented by: Antony
12 B, Shastha Nagar, सत्यमेव जयते
3rd Street, Valsaravakkam,
Chennai - 600087. ..1st Defendant

2.Sussendran
1st Street, Rangarajapuram,
Vathiarthottam,
Kodambakkam,
Chennai - 600 024. ..2nd Defendant

Prayer: Plaint filed under Order IV Rule 1 of O.S.Rules
and Order VII Rule 1 C.P.C. Read with Section 134 & 135

of the Trademarks Act, 1999 praying for judgment and decree against the Defendants as follows: (a) Declare that the defendants are passing off the trademark of the 2nd plaintiff and used by the plaintiffs in Trademark numbers: 3316768, 3316760, 3316775, 3316762, 3316773 and 3316765 in respect of its series of films under the name “அறம் செய்து பழகு” (Aram Seiydhu Pazhagu). (b) Grant a permanent injunction restraining the defendants, their men, agents, or persons acting on their behalf from in any manner infringing the plaintiff's right in trademark bearing Nos. 3316768, 3316760, 3316775, 3316762, 3316773 and 3316765 in respect of its cinematographic film 'Aram Seiydhu Pazhagu' by producing, directing and releasing movies with the identical name or in any manner similar name to the Plaintiffs' films; (c) Grant a permanent injunction restraining the defendants from in any manner passing off its cinematograph film as that of the plaintiffs' films by using the name/title 'Aram Siedhy Pazhagu' or any other identical or deceptively similar name as that of the plaintiffs' film under the title/name 'Aram Seiydhu Pazhagu'; (d) direct the defendants to pay the costs of the suit.

JUDGMENT

The suit has been filed praying for a Judgment and decree against the defendants declaring that the defendants are passing off the Trademark of the second plaintiff and used by the plaintiffs under Trademark Registration Nos. 3316768, 3316760, 3316775, 3316762, 3316773 and 3316765 in respect of its series of films under the name “அறம் செய்து பழகு” (Aram Seiydhu Pazhagu) and seeking permanent injunction restraining the defendants from infringing the plaintiff's right in trademark bearing Nos. 3316768, 3316760, 3316775, 3316762, 3316773 and 3316765 in respect of its cinematographic film 'Aram Seiydhu Pazhagu' by producing, directing and releasing movies with the identical name or title or deceptively similar name or title.

2. The matter had came up for hearing on 26.07.2017 wherein this Court had granted ad interim order of injunction as prayed for till 09.08.2017.

3. Thereafter, pursuant to the respondents entering appearance in Court, the learned counsel for the

respondents have filed a counter to the effect that the proposed name of the film has been changed from 'Aram Seiydhu Pazhagu' to 'Nenjil Thunivirundhal'.

4. Learned counsel for the plaintiff has no objection to the said name and would agree that in view of the change in the name nothing further survives in this suit.

5. Recording the same, the suit as well as connected applications are closed. Parties are left to bear their own costs.

Sd/-A.S.M.J

08.09.2017

//Certified to be a true copy//

Dated this the day of 2017

R.s/29.11.2017

COURT OFFICER

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