

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated: 24.11.2017**

**Coram :**

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

**C.S.No.737 of 2017**

**&**

**O.A.Nos.936 and 937 of 2017**

1. Ashok Kumar Sethi,  
Trading as M/s.Abhinav Export  
Corporation,  
residing at C-2, No.1 & 3,  
Swarup Heritage, II Street,  
Kasthuri estate, Poes Garden,  
Chennai 600 086.
2. Abinav Sethi,  
Trading as M/s.Seegreen Cosmetics,  
C-2, No.1 and 3,  
Swarup Heritage, II Street,  
Kasthuri Estate, Poes Garden,  
Chennai 600 086.

... Plaintiffs

-vs-

D.K. Industries,  
No.33/18, South Side of G.T.Road,  
Industrial Area, G.T.Road,  
Ghaziabad 201 009, Uttar Pradesh

... Defendant

Plaint under order IV, Rule 1 of O.S.Rules and Order VII, Rule 1 of the C.P.C read with Sections 54, 55 and 62 of the CopyRight Act, 1957 praying for;

(a) granting a permanent injunction, restraining the defendant, by themselves, their servants, agents, distributors, or anyone claiming through them from reproducing by selling, advertising and or offering for sale by using the impugned Copyright

Shagun Gold Himalayan as shown in Document No.2 upon the henna or in any media and use the same in invoices, letter heads and visiting cards or by using any other Copyright which is in any way visually, phonetically or deceptively similar to the Plaintiffs Copyright AMIN'S GOLDEN PACK the picture mark as shown in Document No.1 or in any manner infringing the Plaintiffs Copyright as shown in Document No.1.

(b) granting a permanent injunction, restraining the Defendant, by themselves, their servants, agents, distributors, or anyone claiming through them from reproducing by selling, advertising and or offering for sale by using the impugned pouch Shagun Gold Himalayan as shown in Document No.2 upon the henna or in any media and use the same in invoices, letter heads and visiting cards or by using any other pouch which is in any way visually, phonetically or deceptively similar to the plaintiffs pouch AMIN'S GOLDEN PACK the picture mark as shown in Document No.1 or in any manner Passing off the Plaintiffs pouch as shown in Document No.1.

(c) directing the defendant to surrender to the Plaintiffs all the black hennas, packing materials, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery ad all other materials containing/bearing the Copyright Shagun Gold Himalayan as shown in Document No.2 in respect of black hennas.

(d) for a preliminary decree in favour of the plaintiffs, directing the defendant to render an account of profits made by them by the use of the Copyright Shagun Gold Himalayan as shown in Document No.2 on the goods referred and for a final decree in favour of the plaintiffs for the amount of the profits found to have been made by the defendant, after the defendant has rendered accounts.

(e) directing the defendant to pay to the plaintiffs the costs to the suit.

For Plaintiffs : Mr. C.Daniel and Gladys Daniel

For Defendant : Mr. R.Sathish Kumar

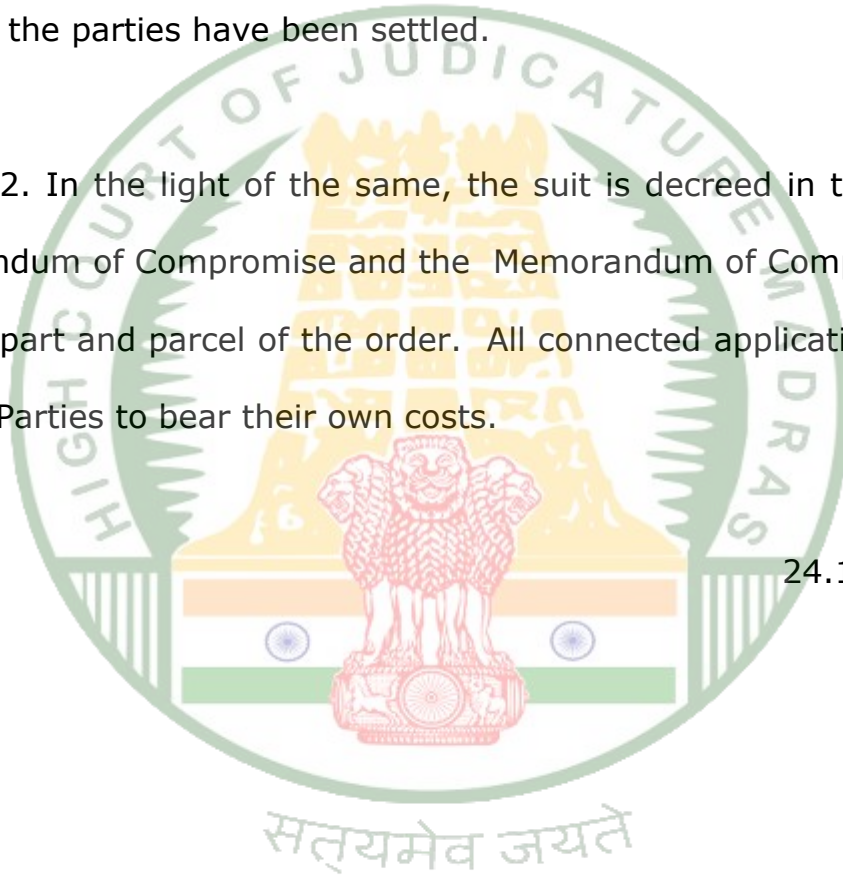
**J U D G M E N T**

A joint Memorandum of Compromise is circulated by the parties duly executed by the plaintiffs and defendant and their respective counsel dated 20.11.2017 to the effect that the disputes between the parties have been settled.

2. In the light of the same, the suit is decreed in terms of Memorandum of Compromise and the Memorandum of Compromise is made part and parcel of the order. All connected applications are closed. Parties to bear their own costs.

msr

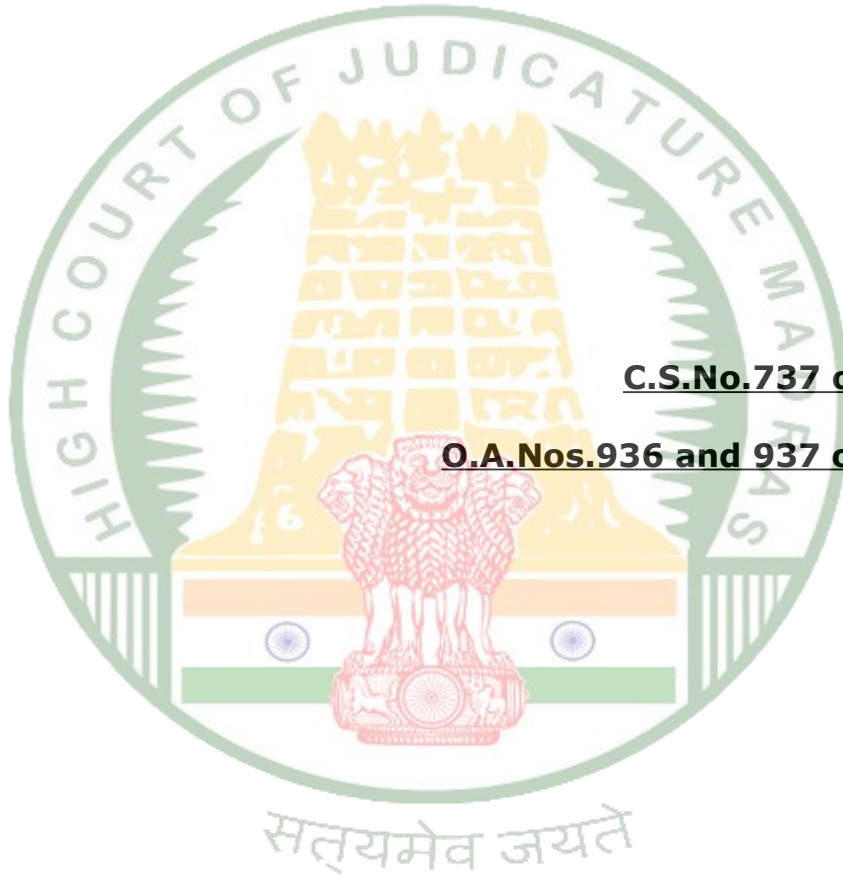
24.11.2017



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**DR. ANITA SUMANTH, J.**

msr



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