

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

C.S.No.796 of 2011 and O.A.No.991 of 2011

M/s Tractors and Farm Equipment Limited,
Rep by its Director and Secretary
Mr.P.B.Sampath,
No.861, Anna Salai,
Chennai - 600 002.
India.

.. Plaintiff

Vs.

M/s TAFE Paddy Harvesting Machine
Owners Association,
Represented by its Secretary,
No.110, Kasim Nagar,
Thirukalimedu Post,
Kanchipuram - 631 502

.. Defendant

Prayer : Civil Suit has been filed under Section 134 and 135 of the Indian Trademark Act, 1999 read with Order VII Rule 1 of Civil Procedure Code 1908 and Order IV Rule 1 of O.S.Rules praying for judgement and decree as follows:-

a) declaring that the registration of the defendant-Society under the name 'TAFE PADDY HARVESTING MACHINE OWENRS ASSOCIATION' is illegal and void and constitutes an infringement of the registered trademark or part thereof of the Plaintiff;

b) Directing the defendant to pay a sum of Rs.50,00,000/- (Rupee Fifty Lakhs only) towards damages for infringement of the registered trademarks or part thereof of the Plaintiff;

c) Granting a Permanent injunction restraining the Defendant, its members, men, agents and representatives from using any name or mark which is same or similar to the registered trademarks or part thereof of the Plaintiff particularly the name 'TAFE' which forms part of the registered trademarks of the Plaintiff;

d) granting a permanent injunction restraining the Defendant, its members, men, agents and representatives from indulging in any form of activity which constitutes unlawful assembly, agitation, demonstration, dharnas or obstruction and/or prevention of ingress and egress at the Head Officers, Regional Offices, Factories, Stockyards, Assembly Units, Dealerships, Showrooms, Offices, Residences of the officers, Directors, employees and dealers of the plaintiff or any other place/ premises associated with the plaintiff, its subsidiaries, affiliates and group companies;

e) directing the defendant to pay the costs of the suit and

d) pass such further or others

For the plaintiff : Mr.Om Prakash for
M/s Ramasubramaniam and Associates

JUDGMENT

Counsel for the plaintiff present and heard.

2. Inasmuch as the defendant has been set ex-parte, it was referred to the learned Master for recording ex-parte evidence. After completion of recording of evidence, the matter is listed before this Court for further orders.

3. The suit laid by the plaintiff is for declaration as regards registered trademark, direction towards payment of damages and permanent injunction.

4. In support of the plaintiff's case, PW-1 has been examined and Exs.P-1 to P-42 have been marked. The evidence of PW-1 and documents marked as Exs. P1 to P42 are perused cumulatively. It is found that the plaintiff-Company has established its claim.

5. In conclusion, the Civil Suit is decreed as prayed with costs.

23.06.2017

Speaking Order/Non Speaking Order
Index : Yes/No
Internet : Yes/No
adl

T.RAVINDRAN, J.

adl

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