

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

C.S. No.739 of 2015

1.S.Sudhakar

2.Shri Lakshmi Agro Foods Pvt. Ltd.,
rep. by its Managing Director S.Sudhakar .. Plaintiffs

-vs-

1.VKS Exports Pvt. Ltd.,
Chennai-600 044.

2.Sri Murugan Trading PTE Ltd.,
Singapore-658 070.

3.Union of India,
represented by its Revenue Secretary,
Department of Revenue,
Ministry of Finance,
128-A, North Block
New Delhi - 110 001.

4.The Commissioner of Customs,
Customs House,
No.60, Rajaji Salai, Chennai-600 001.

5.Ashok Kumar .. Defendants

Prayer: Civil Suit filed under Order IV Rule 1 of Original Side Rules read with Sections 27, 29, 134 & 135 of the Trade Marks Act, 1999.

For Plaintiffs : Mr.Madhan Babu

For Defendants : Mr.Raj Jabakh
for D1 and D2

Mr.K.S.Ramasamy for D4

No appearance for D3

JUDGMENT

Learned counsel appearing for the plaintiffs circulated a Trademark Co-existence Agreement as well as Compromise between the plaintiffs and defendants 1 and 2 dated 01.09.2016 and 22.09.2016 respectively signed by both parties where under dispute between plaintiffs on the one hand and defendants 1 and 2 on the other, stands settled.

2.Learned Advocate Commissioner has handed over the keys of the property, where the materials have been stored, to the learned counsel for the plaintiffs and the same has been received by the learned counsel for the plaintiffs.

3. By way of filing a memo, learned Advocate Commissioner would seek additional remuneration for the efforts undertaken by him in this regard. Considering the same, a further sum of Rs.25,000/- (Rupees Twenty five

Thousand only) is directed to be paid by the plaintiffs as additional remuneration within a period of two weeks from today. The Advocate Commissioner shall stand discharged.

4. In view of the memo of compromise filed by both sides, the Civil Suit is disposed of. The memo of compromise shall form part of the decree. Consequently connected Applications are closed. Both the parties shall bear their respective costs.

5. Defendants 3, 4 and 5 are at liberty to raise their claim before the appropriate forum.

17.08.2017

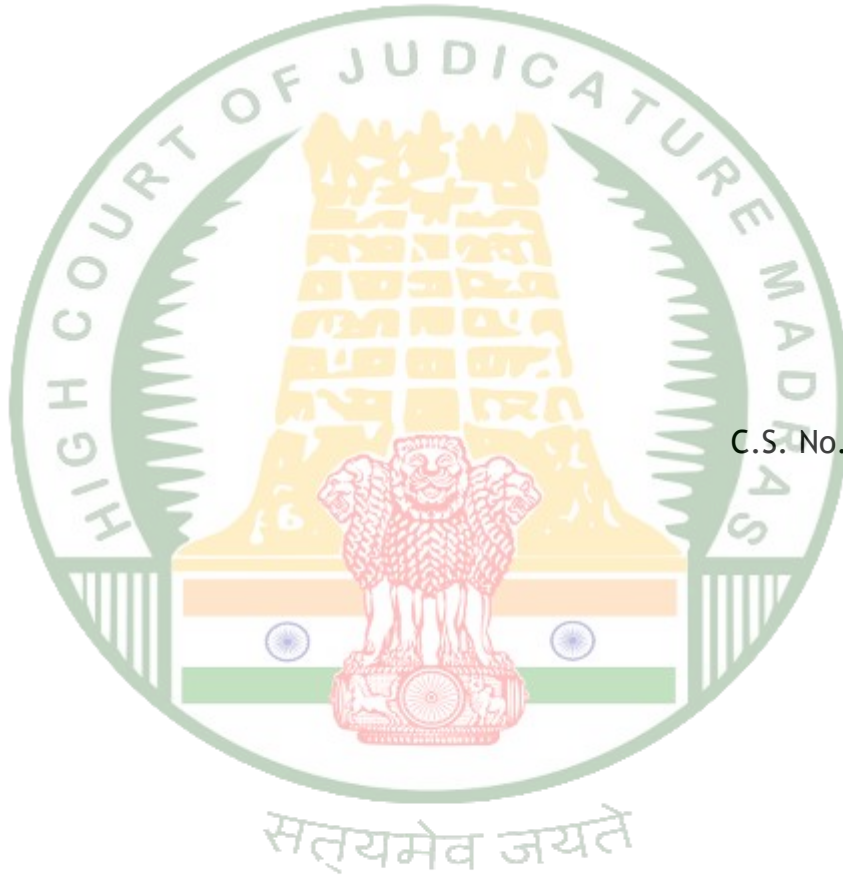
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Note: Registry is directed to issue order copy on or before 07.09.2017

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DR.ANITA SUMANTH,J.

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