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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 6TH DAY OF DECEMBER 2021

THE HON'BLE JUSTICE N. ANAND VENKATESH

A. No.9079 of 2018

and

C.S. No.795 of 2018

(Comm.Suit)

ITC Limited,

No.760, Anna Salai,

Chennai-600 002

rep. by its Constituted Attorney,

Mr.P.Ramkumar

...Plaintiff/Applicant

-Versus-

1. Thathireddy Indra Reddy,

Plot No.65, Vorla Shankaramma Colony,

Kapra, Secunderabad,

Telangana-500 062.

2. P.Anjaneyullu,

H. No.4-190/31,

Near 5th Avenue Baklery,

Bhaskara Rao Nagar,

Sainikpuri, Hyderabad,

Telangana-500 094.



3. Rahul Mishra,  
14-3, Everest Nagar,  
Ward No.3, Khalwara,  
Katni, Madhya Pradesh-483 501 ....Defendants/Respondent

C.S. No.795 of 2018 (Comm.Suit)

Civil suit praying that this Hon'ble court be pleased to grant a judgment and decree on the following terms:-

a. A permanent injunction restraining the Defendants No. 1-6, themselves, its proprietor/directors/partners and other unknown persons as the case may be, successors-in-business, servants, agents, distributors, dealers, stockists, shop keepers, wholesalers, retailers, representatives, assigns and all other persons claiming through or under them from infringing the registered trademark AASHIRVAAD of the Plaintiff by manufacturing, selling and/or distributing atta/flour products under identical mark AASHIRVAAD or any other similar or identical mark and in any other manner whatsoever;

b. a permanent injunction restraining the Defendants No. 1-6, themselves, its proprietor/directors/partners and other unknown persons as the case may be, successors-in-business, servants, agents, distributors, dealers, stockists, shop keepers, wholesalers, retailers, representatives, assigns and all other persons claiming through

or under them from manufacturing, selling, offering for sale and/or distributing



atta/flour products which would amount to passing off their flour products / food products as and for the Plaintiff's flour products by using an identical artistic work or

any other trade mark / trade dress deceptively similar to the Plaintiff's AASHIRVAAD SUPERIOR MP ATTA Package in get up, lay out and arrangement of features or in any other manner whatsoever;

c. a permanent injunction restraining the Defendants No. 1-6, themselves, its proprietor/directors/partners and other unknown persons as the case may be, successors-in-business, servants, agents, distributors, dealers, stockists, shop keepers, wholesalers, retailers, representatives, assigns and all other persons claiming through or under them from manufacturing, selling, and/or distributing atta/flour products under identical mark/ label from committing acts of copyright infringement by copying the plaintiff's copyright in the artistic work of AASHIRVAAD SUPERIOR MP ATTA package labels by use of an identical labels, colour scheme, get up and placement of features or any other label similar or identical thereto and in any other manner whatsoever;

d. The Defendants be ordered to surrender to the Plaintiff for destruction all labels, cartons, containers, packaging materials, blocks, dyes, prints, screen prints,

notices, pamphlets, advertisements, hoardings, and other promotional materials



bearing the mark and packaging/label which is identical to the Plaintiff's registered trademark AASHIRVAAD and the Plaintiff's AASHIRVAAD SUPERIOR MP ATTA label;

e. The Defendants be ordered to pay to the Plaintiff a sum of Rs. 10,00,000/- as damages for committing acts of infringement of trademark, infringement of copyright and passing off;

f. a preliminary decree be passed in favour of the Plaintiff directing the Defendants to render true and faithful account of profits earned by them by use of the Impugned Packages and final decree be passed in favour of the Plaintiff for the amount of profits thus found to have been made by the Defendants, after the latter have rendered accounts;

g. for entire costs of the suit.

**A. No. 9079 of 2018**

Application praying that this Hon'ble Court be pleased to pass an order appointing an Advocate Commissioner to visit the premises of the respondents and to visit the premises of other unknown persons who may also be engaged in similar infringing activities in the surrounding areas, their godowns, warehouses and the

premises of their stockists, clearing and forwarding agents, transporters, or wherever



the goods are found, break open the locks if the premises are found locked, secure the services of police authorities if necessary, seize and take into actual physical custody:-

a) all infringing goods bearing the identical trademark AASHIRVAAD and AASHIRVAAD SUPERIOR MP ATTA label,

b) all pamphlets, labels, cartons, bill books, dyes, moulds, stickers, screen prints, books of accounts, invoices and any other documents containing any information/entry/reference of and regarding the respondent's use of the said infringing trademark AASHIRVAAD and AASHIRVAAD SUPERIOR MP ATTA label;

c) direct the respondents or their agents, successors, assigns, stockists, dealers, distributors, representatives to provide the names and addresses of the wholesalers, retailers, agents, transporters, who distribute, supply, sell, offer for sale etc., goods bearing the identical trademark AASHIRVAAD and AASHIRVAAD SUPERIOR MP ATTA label or any other mark/s similar thereto;

d) the names and addresses of parties, who print the labels, cartons, invoices, pamphlets etc., with trademark AASHIRVAAD and AASHIRVAAD SUPERIOR



e) Seal the premises where the products under the impugned AASHIRVAAD and AASHIRVAAD SUPERIOR MP ATTA label are manufactured or stored for export sale, distribution or marketing.

This Application coming on this day before this court for hearing, the Court made the following order:-

It is brought to the notice of this Court that an advocate commissioner was appointed and the advocate commissioner has also filed a report before this Court on 14.12.2018.

2. In view of the same, this application is closed.

Sd/-NAVJ

06.12.2021

//Certified to be true copy//

Dated at Madras this the                      day of                      2021.

COURT OFFICER(O.S.)

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PS 14/12/2021