

(MP should be verified)
IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.07.2019

Coram

The Honourable Mr.**Justice KRISHNAN RAMASAMY**

C.S.No.768 of 1998

1.Gerard Industries Pty. Ltd.,
No.12, Park Terrace,
Bowden, State of South Australia,
Common Wealth of Australia.

2.Elcon-Clipsal India Ltd.,
Rakhial Road,
Ahmedabad- 380 023.

... Plaintiffs

Vs.

1.Transtronics (Intl) Pvt. Ltd.,
No.86, 4th Cross Bhavani Nagar,
Bannerghata Road, Bangalore.

2.Geajasari Electronics,
No.238, Upstairs,
(opp.Ashoka Electronic Co.)
Chickpet, Bangalore-560 053.

... Defendants

PRAYER : This Civil Suit has been filed under Order VII Rule 1 CPC read with Order IV Rule 1 O.S. Rules and Section 105 and 106 of the Trade and Merchandise Marks Act, 1958 as amended prays for a decree and judgment against the defendant

a) granting a permanent injunction restraining the defendants by themselves, their servants, agents or anyone claiming through them from in any manner infringing the plaintiffs' registered trade mark CLIPSAL by using the offending trade mark CLIPSO in respect of electrical products or any other mark or marks which are deceptively similar to or a colourable imitation thereof or identical to the plaintiff's registered trade mark CLIPSAL;

b) granting a permanent injunction restraining the defendants abovenamed, their servants or agents or anyone claiming through them from in any manner passing off of their electrical products, bearing the offending trade mark CLIPSO as and for the plaintiff's well established electrical products bearing the registered trade mark CLIPSAL either by manufacturing, selling or offering for sale or in any manner advertising the same;

c) directing the defendants herein to surrender to the plaintiffs the entire stock of electrical products bearing the offending trade mark CLIPSO along with the blocks and dyes for destruction;

d) directing the defendants to render a true and faithful account of the profits earned by the defendants through the sale of electrical products sold under the offending trade mark CLIPSO and directing payment of such profits to the Plaintiffs for the passing off committed by the defendants;

e) directing the defendants to pay to the plaintiffs the costs of the suit;

For plaintiff : No appearance

For defendant : No appearance

JUDGMENT

When the above Civil Suit was posted for hearing on 19.07.2019, none appeared on behalf of the plaintiff. Hence, the matter was directed to be listed on 24.07.2019 under the caption "for dismissal". Today, (24.07.2019), when the matter is called, there is no representation on behalf of the plaintiff. Hence, the Civil Suit is dismissed for non prosecution. No costs.

mrp

Index : Yes/No

Internet: Yes/No

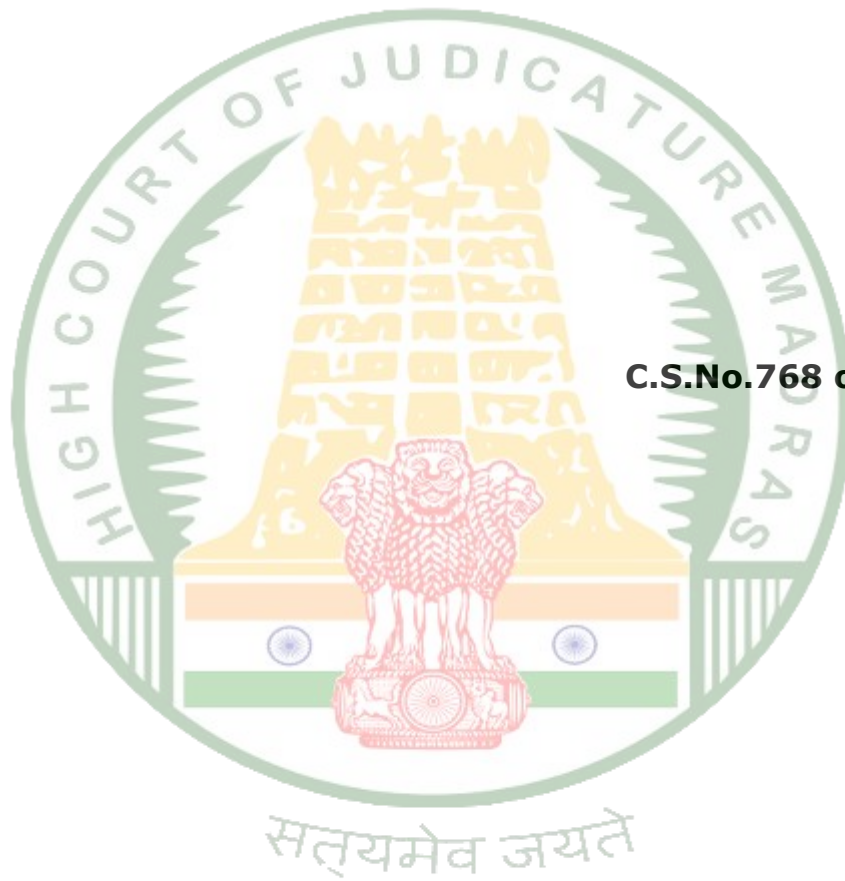
Speaking order /non speaking order

24.07.2019

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KRISHNAN RAMASAMY, J.,

mrp



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