

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated : 24.07.2019****Coram****The Honourable Mr.Justice KRISHNAN RAMASAMY****C.S.No.794 of 2009**

G.Gunasekaran
trading as

M/s.Ganapathy Refineries,
W-6/143, Coimbatore Road,
Vellakovil – 638 111.
Tiruppur District.
Having its Branch Office at
No.27, Chinnathambi Street,
Kothawalsavadi,
Chennai – 600 001.

...Plaintiff

Versus

M/s.Sri Vignesh Refineries,
Nachimuthu Gounder Mills,
86/104, Vadugapatti Road,
Mulanur,
Erode District – 638 106.

...Defendant

This Civil Suit is filed under Order VII Rule 1 of C.P.C and under Order IV Rule 1 of O.S.Rules and Sections 134 & 135 of the Trade Marks Act, 1999 for the following reliefs:

(a) granting permanent injunction restraining the defendant by itself, its servants or agents or anyone claiming through it from in any manner infringing the plaintiff's well established registered trade mark label GANAPATHY in a peculiar colour scheme and get up by using the

offending trademark label VIGNAPATHY together with an identical colour scheme and get up or any other mark or marks which are in any way deceptively similar to or a colourable imitation of the plaintiff's well established and registered trademark label GANAPATHY either by manufacturing or selling or offering for sale or in any manner advertising the same.

(b) granting permanent injunction restraining the defendant by itself, its servants or agents or anyone claiming through it from in any manner passing off of its "refined groundnut oil" bearing the offending trademark and artistic work VIGNAPATHY together with an identical colour scheme and getup as and for the plaintiff's celebrated "refined groundnut oil" bearing the well established registered trademark GANAPATHY with a peculiar colour scheme and get up either by manufacturing, selling or offering for sale or in any manner advertising the same;

(c) directing the defendant to surrender to the plaintiff the entire stock of unused offending labels bearing the offending trademark "VIGNAPATHY" 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 defendant through the sale of refined groundnut oil bearing the offending trademark and the artistic work "VIGNAPATHY" and directing payment of such profits to the plaintiff for the passing off committed by the defendant;

(e) directing the defendant to pay to the plaintiff the costs of suit.

For Plaintiff	:	No Appearance
For Defendant	:	Mr.R.Sathishkumar

J U D G M E N T

When the matter was called on 17.07.2019, the learned counsel for plaintiff submitted that they have given a Change of Vakalat and also handed over the entire case bundle to the plaintiff. Hence, this Court directed the Registry to print the name of the plaintiff in the cause list and adjourned the matter to 24.07.2019 i.e., today.

2. Accordingly, today, the matter is listed with the name of plaintiff being printed in the cause list. Even today, there is no representation for the plaintiff. Therefore, this Civil Suit is dismissed for non-prosecution. No costs.

mrr

Index : Yes/

24.07.2019

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KRISHNAN RAMASAMY, J.,

mrr



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