

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.11.2019

Coram

The Honourable Mr.Justice N.SATHISH KUMAR

C.S.No.429 of 2010

1.Mr.A.D.Padmasingh Isaac,
Trading as Aachi Spices and Foods,
Old No.4, New No.181/1, 6th Avenue,
Thangam Colony, Anna Nagar,
Chennai-600 040

2.M/s.Aachi Masala Foods (P) Ltd.,
No.6, Ground Floor,
15th Street, Anna Nagar, "G" Block,
Chennai-600 040,
rep. by its Director,
Mr.Ashwin Pandian

...Plaintiffs

Versus

M/s.A.Arunachalam & Co.,
No.38/40, Pachiappas College Hostel Road,
Chetpet,
Chennai-600 031

...Defendant

This Civil Suit is filed under Order IV Rule 1 of the Original Side Rules and Order VII Rule 1 of the Code of Civil Procedure, r/w Sections 27(2), 29, 134 & 135 of the Trade marks Act, 1999,

praying to (a) grant a permanent injunction, restraining the defendant, by itself, its servants, agents, distributors, or anyone claiming through him from manufacturing, selling, advertising and offering for sale using same or similar Trade Mark/Trade Name AACHI used by the defendants shown in Document No.2 or any other similar Trade Mark or in any media and use the same in invoices, letter heads and visiting cards or by using any other trade mark which is in any way visually or deceptively or phonetically similar to the plaintiffs' trade mark AACHI as shown in Document No.1 or in relation to any masala items and use the same or deceptive pouches, packets or use the mark in invoices, letters heads and visiting cards or any other trade literature or by using any other trade mark which is in any way visually, or phonetically similar to the plaintiffs' registered Trade Mark Nos.922594, 922595, 1374937, 1340324, 1340325, 1367430, 1372439, 1372440, 1375754, 838786, 976559, 1025302, 1025304, 1025305, 1318493, 1318494, 1318495, 1375755, 1375756, 1380625, 1357284, 1479158, 1479159, 1418281, 1025303, 1415328, 1415329 or in any manner infringe the plaintiff's registered Trade Mark.

(b) grant a permanent injunction restraining the defendants by itself, its servants, agents, distributors, or anyone claiming through him from manufacturing, selling, advertising and offering for sale using same or similar Trade Mark AACHI in relation to GHEE or with respect to or any other food preparation or on any

other business the impugned trademark/name which is in any manner deceptively or phonetically confusingly similar to the plaintiff's Trade Mark/name AACHI or in any other manner pass off their business or goods as and for that of the plaintiffs.

(c) to direct the defendant to surrender to the plaintiffs all the packing material, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery and all other materials containing/bearing the name AAC GHEE as shown in Document No.2 or other deceptively similar trade mark used in the pouches and packets in respect of masalas.

(d) to direct the defendant to render an account of profits made by them by the use of the impugned trade mark as shown in Document No.2 on the goods referred and decree the suit for the profits found to have been made by the defendant, after the defendant has rendered accounts.,

(g)to direct the defendant to pay to the plaintiffs' for costs of the suit.

For Plaintiffs : Mr.C.Daniel & Gladys Daniel

For Defendant : Mr.R.Sathish Kumar

J U D G M E N T

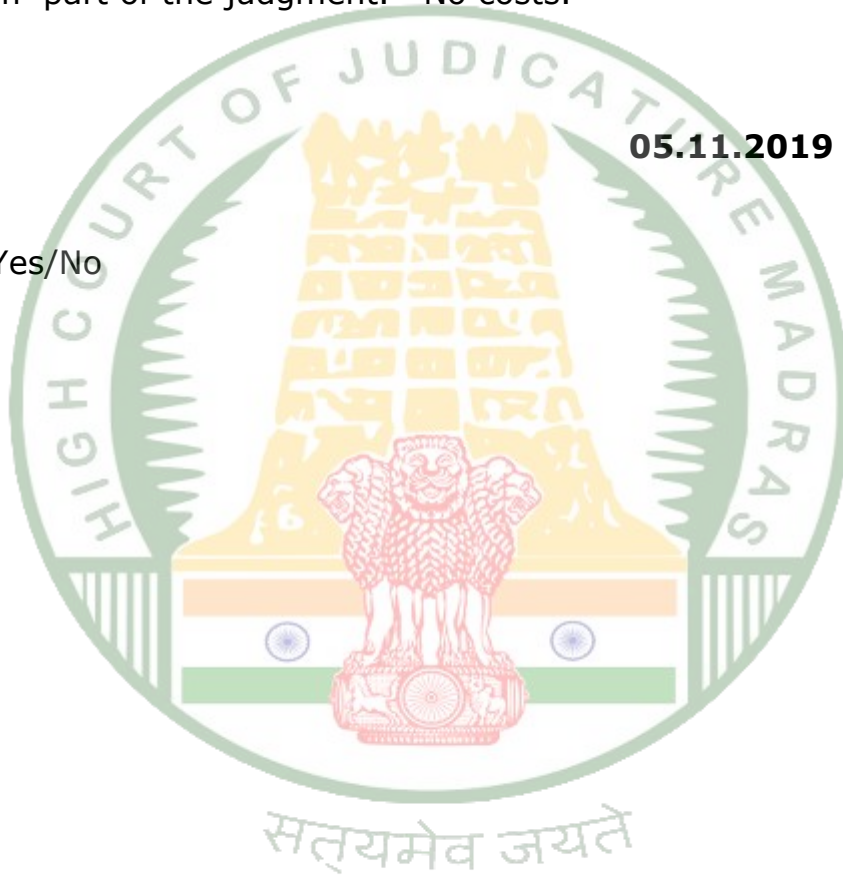
When the matter is taken up for hearing today, both the learned counsels present and filed a Memo of Compromise dated

05.11.2019. The said memo is taken on record.

2. Accordingly, the suit is decreed as prayed for in terms of the said memo of compromise dated 05.11.2019 and the same shall form part of the judgment. No costs.

05.11.2019

Index : Yes/No
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