

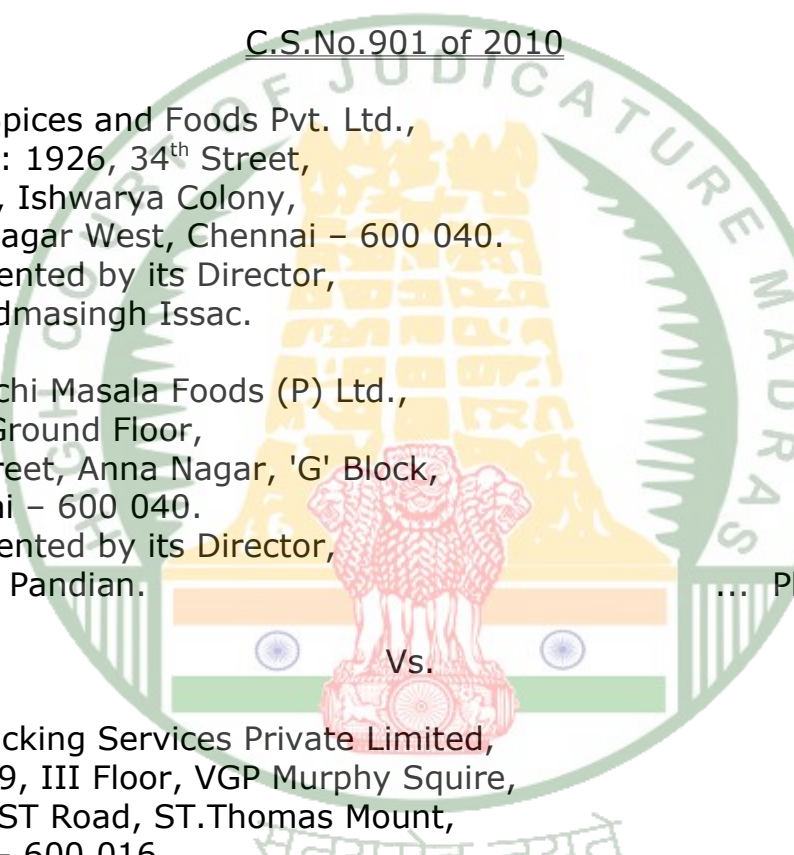
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.S.No.901 of 2010

- 
- 1.Aachi Spices and Foods Pvt. Ltd.,
Plot No: 1926, 34th Street,
I Block, Ishwarya Colony,
Anna Nagar West, Chennai – 600 040.
Represented by its Director,
A.D.Padmasingh Issac.
- 2.M/s.Aachi Masala Foods (P) Ltd.,
No.6, Ground Floor,
15th Street, Anna Nagar, 'G' Block,
Chennai – 600 040.
Represented by its Director,
Ashwin Pandian.
- ... Plaintiffs

Aachi Trucking Services Private Limited,
Door No:9, III Floor, VGP Murphy Squire,
No:19, GST Road, ST.Thomas Mount,
Chennai – 600 016,
Tamilnadu, India.

... Defendant

Plaint filed under Order VII Rule 1 C.P.C. read with Order IV
Rule 1 of the High Court Original Side Rules praying for:

(a) granting a permanent injunction, restraining
the defendant, by himself, his servants, agents,
distributors, or anyone claiming through him from
manufacturing, selling, advertising and offering for sale

using the same name AACHI as used by the plaintiffs and the trademark AACHI TRUCKING SERVICES PRIVATE LIMITED or any other similar trademark name or similar sounding expression in any media and use the same in name board, invoices, letter heads and visiting cards or by using any other trademark/name which is in anyway visually or deceptively or phonetically similar to the plaintiffs' trademark/name AACHI and use the same in pouches, packets or use the mark in invoices, letters heads and visiting cards, as part of their company name or any other trade literature or by using any other trademark which is in any way visually, or phonetically similar to the plaintiffs' registered Trademark 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 and 1116254 or in any manner infringing the plaintiff's registered trademarks referred herein.

(b) directing 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 AACHI as shown in Document No.2 or other deceptively similar trademark used in the pouches and packets bearing the word AACHI.

(c) directing the defendant to render an account of profits made by them by the use of the impugned trademark and get up as shown in Document No.2 on the service referred and decree the suit for the profits found to have been made by the defendant after the defendants have rendered accounts:

(d) directing the defendant to pay to the plaintiff's the costs to the suit, and

(e) pass such further or other orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Plaintiffs : M/s.C.Daniel & Gladys Daniel

For Defendant : Set ex-parte
vide order dated 20.12.2016

J U D G M E N T

The learned counsel appearing for the plaintiffs submitted that nothing survives in this case for adjudication, since the defendant Company was in dormant state from the year 2014, and they are not carrying on any business and the name of the defendant Company was also struck off from the List of Companies by the Registrar of Companies in the year 2014 itself. The learned

KRISHNAN RAMASAMY,J.,

at

counsel also drawn the attention of this Court to the ROC Notice. Therefore, the learned counsel submitted that the present Civil Suit may be closed granting liberty to the plaintiff to file a fresh suit against the defendant, in case, if the defendant Company again got enrolled in the List of Companies and carrying on the business by using the plaintiff's trademark "AACHI".

2. Considering the above submission of the learned counsel for the plaintiffs, this Civil Suit is closed with liberty as sought for by the plaintiff. No costs.

14.08.2019

AT

WEB COPY

C.S.No.901 of 2010