

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2019

Coram

The Honourable Mr.Justice KRISHNAN RAMASAMY

**C.S.No.69 of 2011
and O.A.No.123 of 2011**

A.Kumar

...Plaintiff

Versus

1.Radhakrishnan

2.M/s.Ashcom

Represented by its partner Radhakrishnan,
B3, Lokesh Tower,
18, Kodambakkam High Road,
Nungambakkam,
Chennai – 600 034.

3.German Refilling Pvt. Ltd.,

Represented by its Managing Director,
B3, Lokesh Tower,
18, Kodambakkam High Road,
Nungambakkam,
Chennai – 600 034.

...Defendants

This suit is filed under Order VII Rule 1 of C.P.C r/w. Sections 134 & 135 of the Trademarks Act & Section 55 of the Copyright Act, 1957 for the following reliefs:

(a) grant a permanent injunction restraining the defendants from in any manner infringing the plaintiff's trademarks or any other mark or marks which are deceptively similar to the plaintiff's trademarks.

(b) Grant a permanent injunction restraining the defendants from in any manner passing off of inkjet, laser, and toner cartridges bearing the offending trademarks of the plaintiff.

(c) Grant a preliminary decree to be passed in favour of the plaintiff, directing the defendants to render accounts of profits made by the defendant by infringing the plaintiff's trademark and a final decree to be passed in favour of the plaintiff for the amounts of profit found to have been made by the defendants after the latter has rendered the accounts.

(d) Cost of the suit.

For Plaintiff : No Appearance

J U D G M E N T

When the matter was called on 14.08.2019, the learned counsel who appeared on behalf of Mr.A.P.Srinivas, learned counsel for plaintiff, submitted that they are no longer representing the plaintiff since they had already given a Change of Vakalat. Hence, this Court directed the Registry to print the name of the plaintiff in the cause list and adjourned the matter to 21.08.2019 i.e., today.

2. Accordingly, today, the matter is listed with the name of the plaintiff being printed in the cause list. However, there is no representation for the plaintiff, when this matter is called today.

3. In view of the above, this Civil Suit is dismissed for non-prosecution. No costs. Consequently, connected Application is closed.

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Index : Yes/No

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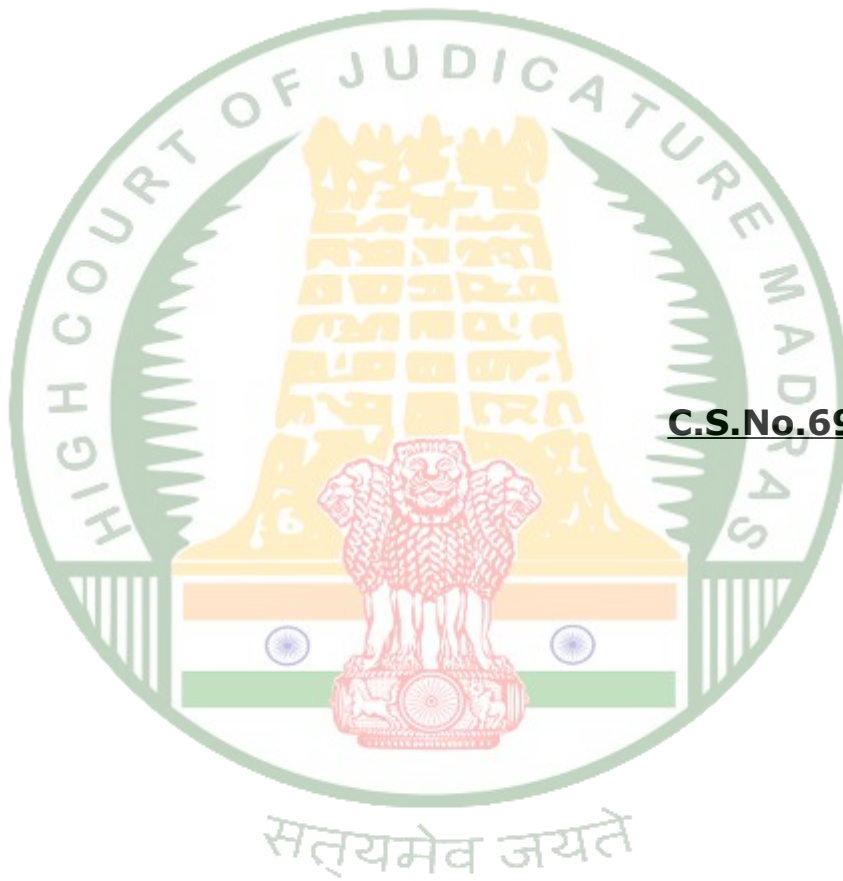


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KRISHNAN RAMASAMY, J.,

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