

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2019

Coram

The Honourable Mr.**Justice KRISHNAN RAMASAMY**

C.S.No.151 of 2019
and
O.A.Nos. 178 to 180 of 2019

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1. S. Sudhakar
2. Shri Lakshmi Agro Foods Pvt. Ltd.,
No.9, N.N. Garden,
10th street, Chennai 600 021
rep. by its Managing Director,
Mr. S.Sudhakar ... plaintiffs
- Vs.
1. Sree Sai Raama Oil Mill
55 New Teacher Colony,
Palakkatar Thottam,
Erode 638 001.
2. V. Dhadapani
Partner,
Sree Sai Raama Oil Mill
55 New Teacher Colony,
Palakkatar Thottam,
Erode 638 001.
3. S. Ravichandran,
Partner
Sree Sai Raama Oil Mill,
55 New Teacher Colony,
Palakkatar Thottam,
Erode 638 001 ... defendants
- सत्यमेव जयते
- WEB COPY

PRAYER : This Civil Suit has been filed under Order IV Rule 1 of O.S. Rules read with Section 27, 29, 134 and 135 of the Trade Marks Act, 1999 and Section 51,55, 58 and 62 of the Copy Right Act 1957 and Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, No.4 of 2016 for a judgment and decree

a) a perpetual injunction restraining the defendant, its distributors, stockiest, servants, agents, retailers, representatives or any other person claiming under/through them from in any manner infringing the plaintiffs registered trademark "UDHAIYAM" by manufacturing, selling, offering for sale, stocking, advertising, either directly and/or indirectly any goods or service and in particular any oil including lamp oil under the trademark "Udhaiyam" either per-se or in combination and/or any other mark either in English or Tamil or any other language, which is identical with and/or deceptively similar to plaintiffs' registered trademark " UDHAIYAM" or in any other manner whatsoever '

b) a perpetual injunction restraining the defendant, its distributors, stockiest, servants, agents, retailers, representatives or any other person claiming under them from in any manner committing acts of copyright infringement by printing, stocking, manufacturing, selling, offering for sale, stocking, advertising directly or indirectly, any goods or service and in particular any oil including lamp oil, under the label/artistic work as contained in Material Object No.1/ or any other label/artistic work or device which is identical with or deceptively similar to the plaintiff's artistic

work as contained in Plaint Document No.3 or in any other manner whatsoever;

c) A perpetual injunction restraining the defendant, its distributors, stockists, servants, agents, retailers, representatives, franchisees or any other person claiming under them from in any manner manufacturing, selling, offering for sale, stocking, advertising directly or indirectly, any goods or service and in particular any oil, in particular lamp oil, under the trademark "UDHAIYAM" either per-se or in combination and /or any other mark either in English or Tamil or any other language, which is identical with and/or deceptively similar to plaintiffs' trademark "UDHAIYAM" and/or from printing, stocking, manufacturing, selling, offering for sale, stocking, advertising directly or indirectly, any goods or service in particular any oil including lamp oil, under the label/ artistic work as contained in Plaint Material Object No.1 or any other label/artistic work or device which is identical with or deceptively similar to the plaintiffs trademark/device/artistic work as contained in Plaint Document No.3, so as to pass off the defendant's goods as and for the goods of the plaintiffs or in any other manner whatsoever connected with the plaintiffs;

d. the defendants be ordered to surrender to plaintiffs for destruction all packed goods, labels, dyes, blocks, moulds, screen prints, packing materials and other materials bearing the trademark "UDHAIYAM" either per se or in combination in English or Tamil or any other language and other materials bearing the label/ Trademark/ artistic work as contained in Material Object No.1

e. A preliminary decree passed in favour of the plaintiffs directing the defendants to render account of profits made by use of the infringing trademark "UDHAIYAM" and under the infringing label filed as Plaint Material Object No.1 by a final decree be passed in favour of the plaintiffs for the amount of profits thus found to have been made by the defendant after the latter have rendered accounts;

f. The defendants be jointly and severally ordered and decreed to pay to the plaintiffs a sum of Rs.25,02,000/- as damages for acts of passing off and infringement of trademark and copyright committed by the defendant and

e) for costs of the suit.

For plaintiff : Mr. Madhan Babu

For defendants : Mr. Karthikeyan,
for defendants

JUDGMENT

The suit has been filed for perpetual injunction , rendition of account and for damages.

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2. Today, when the matter is called, the learned counsel appearing for the plaintiffs and the defendants submitted that pending Suit, the parties have arrived at a settlement between themselves and also filed a Memo of Compromise, dated

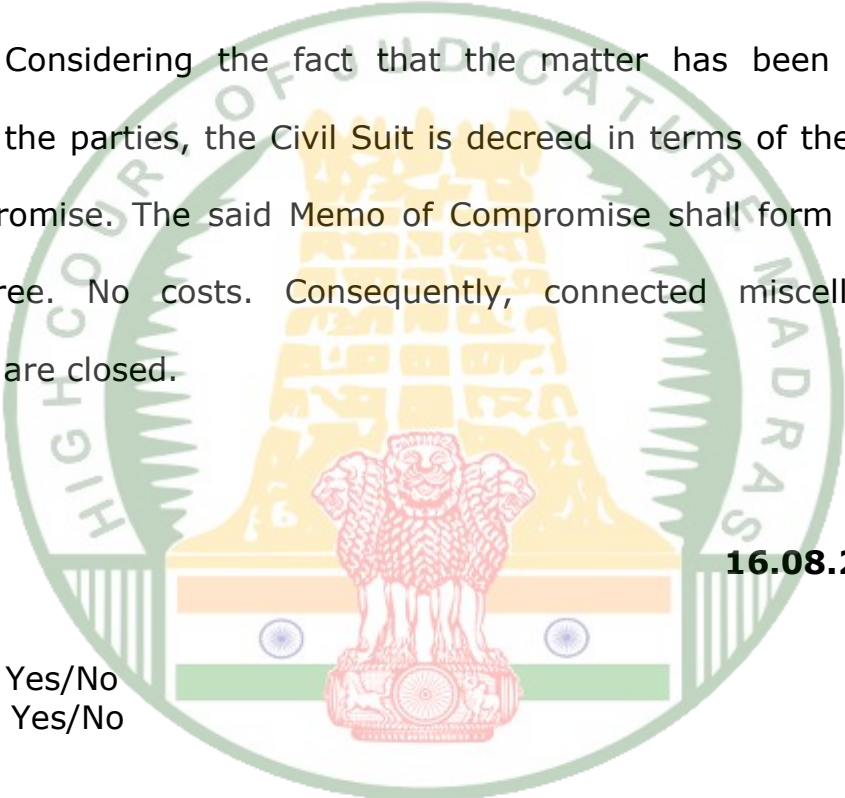
16.08.2019 to that effect. The Memo of Compromise is duly signed by the plaintiffs and defendants and their respective counsel. The counsel appearing for the parties submitted that the suit may be decreed as per the terms of the Memo of Compromise .

3. Considering the fact that the matter has been settled between the parties, the Civil Suit is decreed in terms of the Memo of Compromise. The said Memo of Compromise shall form part of the decree. No costs. Consequently, connected miscellaneous petitions are closed.

mrp

Index : Yes/No
Internet: Yes/No

16.08.2019

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the lion capital is a red wheel (Chakras) and a red lotus. The entire emblem is set against a background of horizontal stripes (orange, white, green) with blue Ashoka Chakras. The words "HIGH COURT OF MADRAS" are written in a green circle around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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KRISHNAN RAMASAMY, J.,

mrp



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