

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :06.11.2019

Coram

The Honourable Mr.Justice N.SATHISH KUMAR

C.S.No.156 of 2015
and A.No.1421 of 2015

RMJ Modern Rice Mill,
No.2/168, Alathur Road, Indira Nagar,
Oomatchikulam,
Thirumalpuram Post,
Madurai – 625 514

Rep by its partner Mr. J.Thangapandi.

...Plaintiff

Versus

1.Kasirajan
Trading as New Sakthi Traders
Wholesale Rice Merchant,
No.2/2, Mahatma Gandhi Road,
Thiruvannamiyur, Chennai – 600 041.

2.M.Selvaraj Modern Rice Mill,
Madurandhangam – 603 306.

...Defendants

This Civil Suit is filed under Order IV, Rule 1 of the Original Side Rules and Order VII, Rule 1 C.P.C read with Sections 27, 134 and 135 of the Trade Marks Act, 1999, and Sections 51, 54, 55 and 62 of the Copyrights Act, 1957, Prayed for (a) a permanent

injunction restraining the defendants by themselves, their directors, partners, legal representatives, successors in business, assigns, servants, agents, transporters, distributors, printers, stockists, wholesalers, dealers, retailers, advertisers or any one claiming through or under them from committing acts of passing off and enabling others to pass off by processing, marketing, selling, offering for sale, advertising or in any manner dealing in rice or any other product bearing the identical mark RAMAJEYAM and identical packages/label with colour scheme, getup, layout which are identical to plaintiff's trade dress and get up in the RAMAJEYAM package/label in any manner whatsoever;

(b) a permanent injunction restraining the defendants by themselves, their directors, partners, their legal representatives, successors in business, assigns, servants, agents, transporters, distributors, printers, stockists, wholesalers, dealers, retailers or any one claiming through or under them from committing acts of copyright infringement by making substantial reproduction of the plaintiff's copyright in the artistic work RAMAJEYAM LABEL by use of identical trade dress, colour scheme, get up and layout for their RAMAJEYAM package/label or in any manner whatsoever;

(c) a preliminary decree be passed in favour of the plaintiff directing the defendants to render account of profits made by use of the mark RAMAJEYAM and artistic in the label amounting to

infringement of copyright and passing off and a final decree be passed in favour of the plaintiff for the amount of profits thus found to have been made by the defendants after the latter have rendered accounts;

(d) the defendants be ordered to surrender to the plaintiff for destruction all goods bearing the mark RAMAJEYAM label packing and advertising material and any other material in the defendant's possession, which bears the plaintiff's mark RAMAJEYAM label or any other mark similar thereto;

(e) the defendants be ordered to pay to the plaintiff, a sum of Rs.10,00,000/- as damages for copyright infringement and passing off their products as and for that of the plaintiff's products;

(f) the costs of the suit

For Plaintiff : Mr.Arun C.Mohan
For Defendants : Ms.Vasudha
for Mr.R.Thigarajan

सत्यमेव जयते
J U D G M E N T

On earlier occasion, when the matter was taken up for hearing, i.e., 25.10.2019, the learned counsel appearing for the

defendants submitted that the defendants will not use their products in the identical mark of the plaintiff and there is a possibility for settlement. In view of the said request, the matter was directed to be posted on 06.11.2019 (i.e., today). Today also the same has been reported by the learned counsel for the defendants.

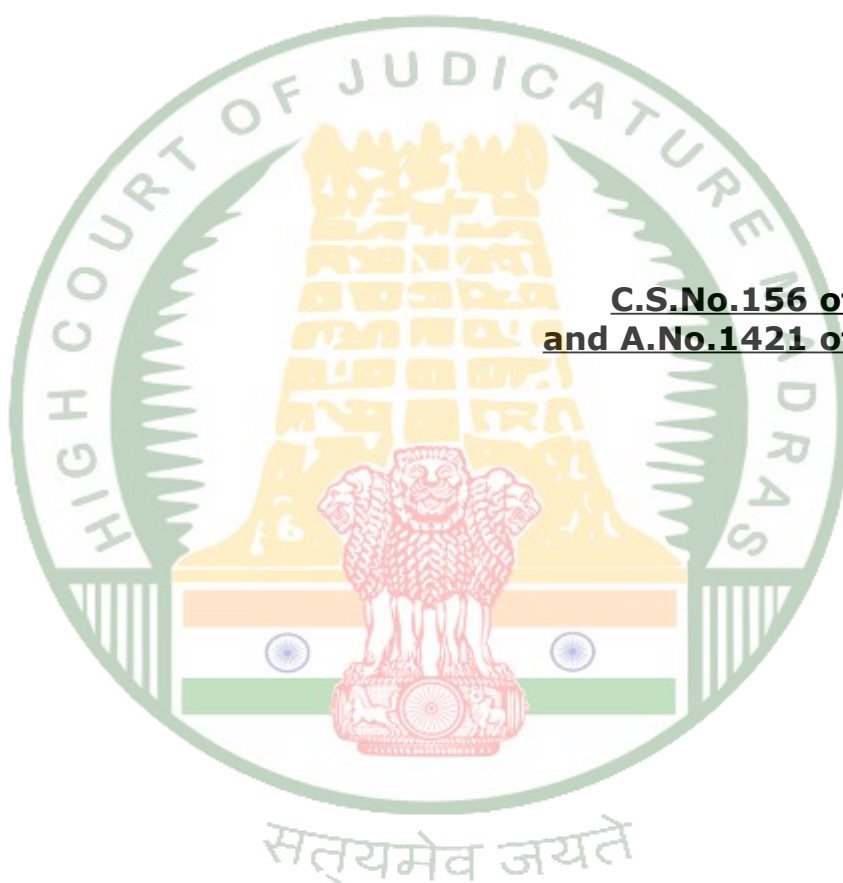
2. Hence, this Court is of the view that the suit itself can be disposed of by taking the submission of the learned counsel appearing for the defendants on behalf of the defendants under Order XII Rule 6 of C.P.C. In view of the above, the admission of the defendant's counsel taken on record and the suit is decreed.

3. According, the suit is decreed in respect of prayers 'a' and 'b'. As far as prayers 'c' to 'e' are concerned, the suit is dismissed. Consequently, connected Application is closed. No costs.

Index : Yes/No
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