

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.07.2019

Coram

The Honourable Mr.**Justice KRISHNAN RAMASAMY**

C.S.No.425 of 2013

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M/s. J.M.M.S. Films,
rep. by its proprietor Mr.A.Lazer,
Chikkallasandra,
Subramanyapura Post,
Bangalore 560 061

... Plaintiff

Vs.

1. M/s. Sri Senthur Pictures,
Rep. by its Proprietor Mr.R.Sundarajan,
No.3, Thiruvengadam Street,
Saligrammam,
Chennai 600 093.

2. M/s.Film and Television Producers
Guild of South India,
No.15/7, 6th Cross Street,
Lake Area, Nungambakkam,
Chennai 600 034

... Defendants

PRAYER : This Civil Suit has been filed under Order VII Rule 1 of CPC and Order IV, Rule 1 of O.S. Rules read with Section 27 and Section 134 of the Trade marks Act 1999 and Section 55 and Section 62 of the Copy Rights Act 1957, prays for a decree and judgment jointly and severally

a) for a permanent injunction restraining the defendants herein, their men, agents, co-producers, subordinates or any other person or persons authorized by them in any manner passing off their film name as that of the plaintiffs by using the offending film name "CHITHIRAYIL NILACHORU" or any other name which is similarly or deceptively similar to that of the plaintiffs registered film name " NILACH CHORU" ;

b) for a permanent injunction restraining the defendants herein, their men, agents, co-producers, subordinates or any other person or persons authorized by them in any manner infringing the plaintiffs' copyright in their name and style as "NILACH CHORU", with which is similar or deceptively similar to that of the plaintiff's film name,

c) to pay the cost of the suit.

For plaintiff : No appearance

For defendants : Mr. M.Vijayakumar,
for D2

D1- No appearance

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JUDGMENT

When the above Civil Suit was posted for hearing on 24.07.2019, none appeared on behalf of the plaintiff. Hence, the matter was directed to be listed on 26.07.2019 under the caption "for dismissal"". Even today, (26.07.2019), when the matter is called, there is no representation on behalf of the plaintiff and the first defendant and the learned counsel for the second defendant alone is present. Hence, the Civil Suit is dismissed for non prosecution. No costs.

mrp

Index : Yes/No

Internet: Yes/No

Speaking order /non speaking order

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KRISHNAN RAMASAMY, J.,

mrp



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