

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Civil Suit (Comm. Div.) No.241 of 2019

R.Manoj Kumar
rep. by its Sole Proprietor, RA Studios,
Adhvaaith Raj Residence,
W151, B Sector, 1st Street,
Park Road, Anna Nagar Western Extension,
Chennai 600 101. Plaintiff

Vs.

1. K.C.Bokadia
Rams Anjali Atrium Apartment,
Flat No.A4, 2nd Floor,
R.A.Puram, Chennai 600 028.
2. M/s.Film & Television Producers Guild of South India,
rep. by its Secretary,
B1, Rams Flat,
New No.19, Jagadeeswaran Street,
T.Nagar, Chennai 600 017.
3. M/s.Tamil Film Producer Council,
rep. by its Secretary,
No.14/26, Yogambal Street,
T.Nagar, Chennai 600 017.
4. The South Indian Film Chamber of Commerce,
rep. by its Secretary,
No.605, 4th Floor,
Anna Salai, TR Sundaram Avenue,
Chennai 600 006.

5. M/s.UFO Digital Cinema,
No.53, Arunachalam Street,
Police Quarters,
Triplicane, Chennai 600 004.
6. M/s.PXD,
Prasad Extreme Digital Cinema
Network Private Limited,
No.28, Arunachalam Road,
Saligrammam, Chennai 600 093.
7. M/s.QUBE,
No.42, Dr. Ranga Road,
Mylapore, Chennai 600 004. ... Defendants

Plaint filed under Order IV Rule 1 of the O.S. Rules read with Order VII Rule I of C.P.C. Rules r/w Sections 134 and 135 of the Trade Marks Act, 1999.

For Plaintiff : Mr.Vijayan Subramanian
For 1st Defendant : Mr.Vishnu Mohan,
for Mr.R.Parthasarathi
For 4th Defendant : Ms.An.Raajamani Ponnu,
for M/s.K.Harishankar

JUDGMENT

This Civil Suit has been filed by the Plaintiff seeking for the following reliefs:

- (i) Permanent injunction to restrain the Defendants, its men, agents, associates and/or assignees or any person claiming rights from therein from passing off their film title, as that of the Plaintiff's film title

"ROCKY", by using the offending film title "ROCKY - THE REVENGE" or any other words or mark or title, which is deceptively similar to the Plaintiff's film title "ROCKY".

(ii) Permanent injunction to restrain the Defendants, its men, agents, associates and/or assignees or any person claiming rights from therein from using their film title, as that of the Plaintiff's film title "ROCKY", by using the offending film title "ROCKY - THE REVENGE" or any other words or mark or title, which is deceptively similar to the Plaintiff's film title "ROCKY".

2. Today, when the matter is taken up for hearing, learned counsel for the parties submitted that the parties have entered into compromise and produced the Memorandum of Compromise dated 08.04.2019 entered into between them. However, it is represented by the learned counsel appearing for the 4th Defendant that there is no relief sought against the 4th Defendant and that the 4th Defendant has no objection in the Suit being decreed in terms of the compromise entered into between the contesting parties.

3. Recording the same, this Civil Suit is decreed in terms of the Memorandum of Compromise dated 08.04.2019. The Memorandum of Compromise shall form part of the Decree. No costs. Consequently,

connected O.A.Nos.353 and 354 of 2019 are closed. Refund of Court Fee to the Plaintiff, as permissible under Rules, is ordered.

12.04.2019

Index : Yes/No
Speaking Order : Yes/No

Note to Registry: *Issue copy of this order on or before 15.04.2019*

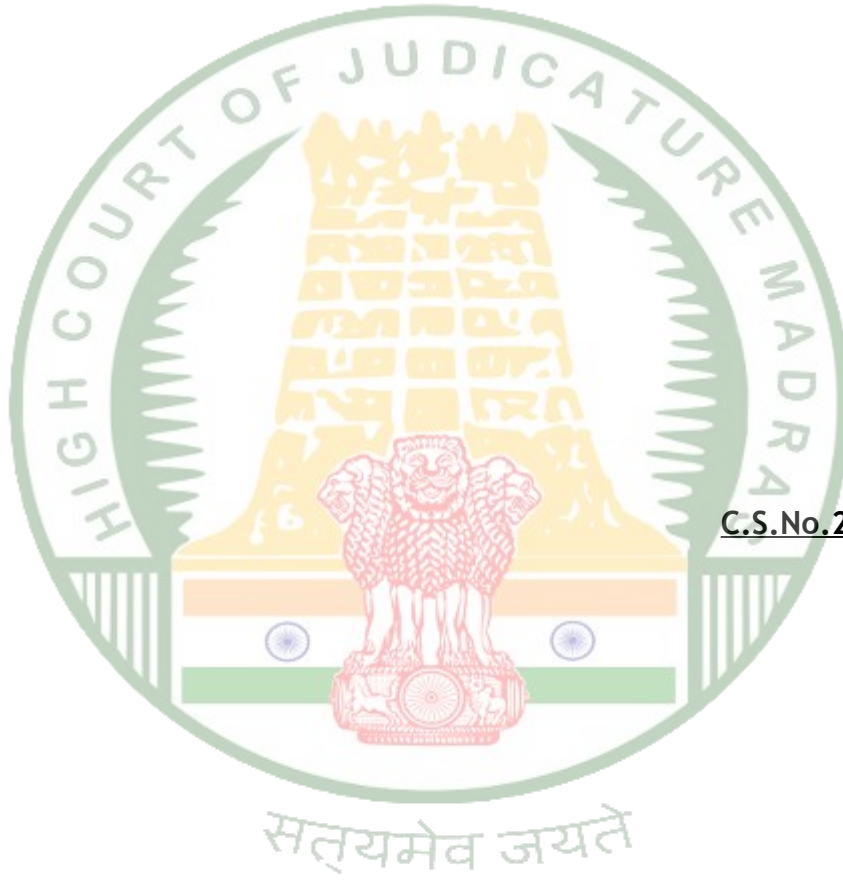
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S.VAIDYANATHAN,J.

(aeb)



C.S.No.241 of 2019

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12.04.2019