

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2019

Coram

The Honourable Mr.Justice KRISHNAN RAMASAMY

C.S.No.285 of 2016

and

**Application Nos.5559 to 5561 of 2016
& 214 to 216 of 2017**

1.Mrs.Veena Kumaravel

2.Groom India Salon and Spa Pvt. Ltd.,
No.9 B, Ganga Griha, 1st Floor,
Nungambakkam High Road,
Chennai - 600 034.
Represented by its Director,
Mrs.Veena Kumaravel

...Plaintiffs

Versus

1.Mrs.K.Shakila

Partner

NB Naturals Beauty Family Saloon and Spa
Partnership Firm
Opp Salai Mariamman Kovil,
Salem Bye Pass Road,
Lakkiamatti,
Dharmapuri - 636 705.

2.Mr.P.Santhakumar,

Partner,

NB Naturals Beauty Family Saloon and Spa
Partnership Firm
Opp Salai Mariamman Kovil,
Salem Bye Pass Road,
Lakkiamatti,
Dharmapuri - 636 705.

3. Mr. M. Baskaran,
 Partner,
 NB Naturals Beauty Family Saloon and Spa
 Partnership Firm
 Opp Salai Mariamman Kovil,
 Salem Bye Pass Road,
 Lakkiampatti,
 Dharmapuri - 636 705.

4. NB Naturals Beauty Family Saloon and Spa
 Partnership Firm
 Opp Salai Mariamman Kovil,
 Salem Bye Pass Road,
 Lakkiampatti,
 Dharmapuri - 636 705.
 Represented by its Managing Director,
 G. Thiruvengadamoorthis

5. NB Naturals Beauty Family Saloon and Spa
 #82/2, First Floor, Sri Lakshmi Complex,
 Opp. Women's Police Station,
 Krishnagiri Main Road,
 Bargur - 635 104.

6. NB Naturals Beauty Family Saloon and Spa,
 #92/5, First Floor,
 Near Maharishi Primary School,
 Bagalur Road,
 Hosur - 635 109.

...Defendants

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This suit is filed under Order VII Rule 1 CPC r/w. Order IV Rule 1 of the O.S. Rules of the Madras High Court and Sections 11, 29 & 135 of the Trade Marks Act, 1999 for the following reliefs:

(a) To grant permanent injunction restraining the defendants, their directors, franchisees, licensees, employees, officers, servants, agents and all others acting for an on their behalf from using the

trademark, trade name and trading style featuring the mark "NATURALS" or any other name/mark deceptively similar to plaintiffs' mark "NATURALS" in any manner whatsoever, including in relation to its salon/spa/beauty care services or any other business, including all use as part of its signage, business cards, labels, promotional materials, advertisements, domain name/s, company name/s, URLs, e-mail addresses, screen names, user names, website contents (whether or not visible), staff uniforms, transportation vehicles, documents, reports, data, invoices, receipts, stationery and on any other materials and things on which they are using mark "NATURALS" or anything similar to plaintiff's mark "NATURALS", amounting to infringement of plaintiff's trademark "NATURALS" under Registration No.1414842 in Class 42 that amounts to infringement thereof;

(b) To grant permanent injunction restraining the defendants, their directors, franchisees, licensees, employees, officers, servants, agents and all others acting for and on their behalf from using the trademark, trade name and trading style featuring the mark "NATURALS" or any other name/mark deceptively similar to plaintiff's mark "NATURALS" in any manner whatsoever, including in relation to its salon/spa/beauty care services or any other business, including all use as part of its signage, business cards, labels, promotional materials, advertisements, domain name/s, company name/s, URLs, e-mail addresses, screen names, user names, website contents (whether or not visible), staff uniforms, transportation vehicles, documents, reports, data, invoices, receipts, stationery, and on any other materials and things on which they are using mark "NATURALS" or anything similar to plaintiff's mark

"NATURALS", that amounts to passing off the defendant's goods or business or services as those of plaintiff;

(c) To grant permanent injunction restraining the defendants, their directors, employees, franchisees, licensees, officers, servants, agents and all others acting for and on their behalf from using the plaintiff's Purple and White Trade Dress as depicted within the plaint in any manner whatsoever, including in relation to its salon/spa/beauty care services or any other business, including all use as part of its signage, business cards, labels, promotional materials, interiors and exteriors of its business place advertisements, website, company name/s, website contents (whether or not visible), staff uniforms, transportation vehicles, documents, reports, data, invoices, receipts, stationery, and on any other materials and things on which they are using plaintiff's trade dress of purple and white or anything similar to plaintiff's trade dress, that amounts to passing off the defendant's goods or business or services as those of plaintiff;

(d) To grant damages for a sum of Rs.10,00,000/- in favour of the plaintiffs and against the defendant and such other damages as may be quantified by appropriate evaluation of the defendants books of account during the course of present proceedings;

(e) To grant order of delivery up of any brochures/printed material and/or any material which contributes ultimately to the infringement of plaintiffs trademark for destruction thereof;

(f) To direct the defendants for rendition of accounts;

(g) Costs.

For Plaintiffs : No Appearance

For Defendants : No Appearance

J U D G M E N T

When the matter was called on 02.07.2019, the learned counsel for plaintiffs has filed a Memo before this Court stating that they are no longer representing the plaintiffs and they have transferred the files pertaining to the present suit to the plaintiffs. Therefore, this Court recorded the said Memo and directed the Registry to print the name of the plaintiffs in the cause list and also adjourned the matter to 04.07.2019 i.e., today.

2. Accordingly, the case is listed today with the names of the plaintiffs being printed in the cause list. However, when the matter is called, there is no representation on both sides. Therefore, this Civil Suit is dismissed for non-prosecution. No costs. Consequently, connected Applications are closed.

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Index : Yes/No

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KRISHNAN RAMASAMY, J.,
mrr



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