

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2019

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THE HONOURABLE **MR.JUSTICE KRISHNAN RAMASAMY**

C.S.No.377 of 2019
&O. A.Nos.607 & 608 of 2019

Amrutanjan Health Care Ltd.,
No.103 (old no.42-45), Luz Church Road,
Mylapore,
Chennai 600 004
rep.by its Company Secretary,
Mr.M.Srinivasan

...Plaintiff

Vs.

Baxom Healthcare Pvt.Ltd.,
C/o Kantaben B.Harsoda,
139, Ravi Park,
NR. A.G.Society Rajkot,
Gujarat 360 005.

...Defendant

This Civil Suit is preferred under Order IV Rule 1 of O.S.Rules and Order VII Rule 1 CPC read with Section 27, 134 and 135 of the Trademarks Act 1999 & Proviso 1 to Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Court Act, 2015 prays for a permanent injunction restraining the defendant themselves their partners success-in-business servants agents distributors dealers stockists wholesalers retailers shop keepers representatives assigns and all other persons claiming through them from manufacturing

selling and distributing advertising pain relief commodities using the AMRUTAYU Trademark which is deceptively similar to the plaintiff's AMRUTANJAN trademark amounting to infringement of the plaintiff's registered trademark AMRUTANJAN in any manner whatsoever; b. a permanent injunction restraining the defendant by themselves their directors, legal representative, successors in business, assigns, servants, agents, transporters, distributors, printers, stockist, wholesalers, dealers, retailers, advertisers or nay one claiming through or under them from committing acts of passing off and enabling others to pass off by manufacturing, distributing, marketing, selling, offering for sale, advertising or in any other manner dealing in pain relief commodities or any other product bearing the deceptively similar mark AMRUTAYU which is confusingly similar to plaintiff's mark AMRUTANJAN or in any other manner whatsoever which would be considered to be similar to the plaintiff's mark AMRUTANJAN; C. the defendant be ordered to surrender to the plaintiff for destruction all goods advertisement materials, packing materials, cartons, wrappers, labels in respect of pain relief products and other allied/cognate goods containing the offending mark AMRUTAY or any other mark/label similar to plaintiff's trademark AMRUTANJAN; d. a preliminary decree be passed in favour of the plaintiff directing the defendant to render true and faithful account of profits earned by them by use of offending label for pain relief products or other allied and cognate goods and a final decree be passed in favour of the plaintiff for the amount of profits thus found to have been made by the defendant after the latter have rendered accounts; e. for entire costs of the suit; and f. pass such

further and other orders as this Court may deem fit and necessary under the facts and circumstances of the case.

For Plaintiff : Mr.Durga V.Bhatt

JUDGMENT

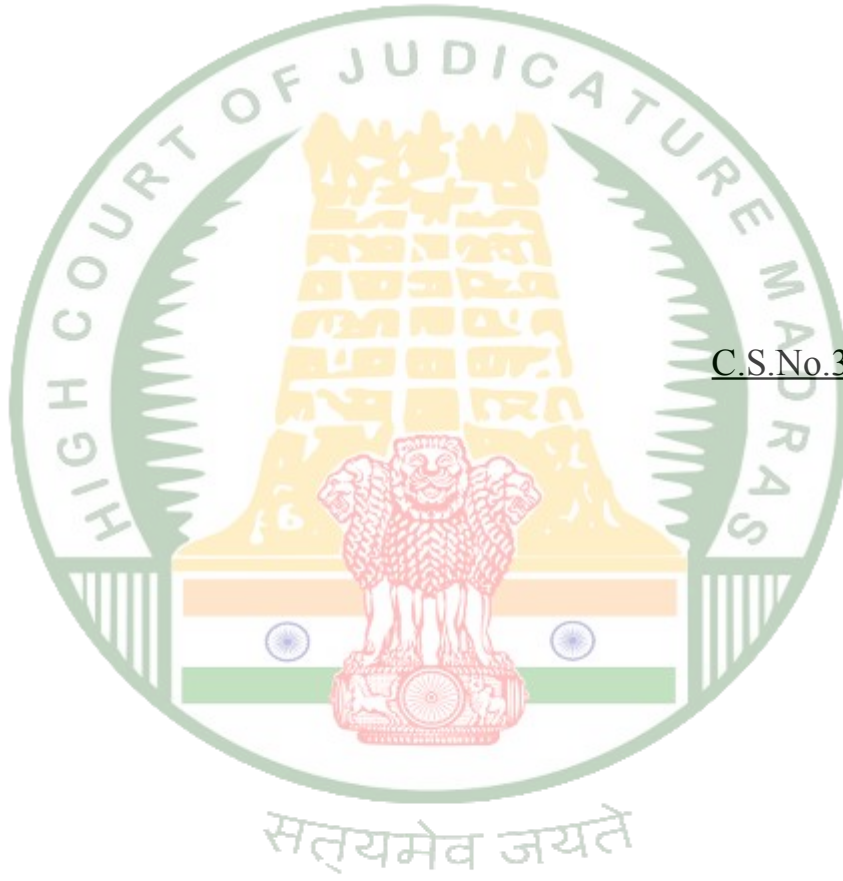
The present Suit is filed under Order IV Rule 1 of O.S.Rules and Order VII Rule 1 CPC read with Section 27, 134 and 135 of the Trademarks Act 1999 & Proviso 1 of Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Court Act, 2015 against the defendant for infringing the AMRUTAYU Trademark which is deceptively similar to the plaintiff's AMRUTANJAN trademark.

2. The parties have entered into settlement and a joint memo of compromise signed by the parties and their respective counsels has also filed before this Court. The said memo is taken on file and recorded. The suit is decreed, in terms of the Memo of compromise. The Memorandum of Compromise shall form part of the decree. No costs. Consequently connected applications are closed.

19.08.2019

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KRISHNAN RAMASAMY.,J
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