

O.A.No.703 of 2019
in C.S.No.444 of 2019

Krishnan Ramasamy, J.,

The plaintiff moved this application seeking an order of interim injunction to restrain the respondent/defendant from in any manner passing off its products or business or services under the offending mark D.R.R. On 22.07.2019, this Court has ordered notice through Court as well as privately returnable by 29.07.2019. As per the direction of this Court, the learned counsel for the plaintiff has taken steps and the notice was served on the sole defendant on 24.08.2019. Today when the matter is called, In spite of service of notice, none appeared on behalf of the respondent / defendant.

2. It is the contention of the plaintiff that the plaintiff's trademark D.R. and D.R.RAANKA got registered with the trademark registry. However, the defendant is infringing the trademark of the plaintiff by using the offending mark D.R.R.. Therefore, he filed the present suit for appropriate relief.

3. Heard the submission of the learned counsel for the plaintiff/applicant.

Krishnan Ramasamy, J.,

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4. This Court has perused the records and is of the view that the plaintiff's trademark D.R. is registered with the trademark Registry vide Registration No.2649393 in Class 14 and 2649394 in Class 35 and they also obtained registration of the marks D.R.RAANKA/DR/DRR under different styles. They are using the above said Mark since 1941 and therefore, according to the plaintiff they are entitled to use the exclusive mark in respect of the business. They obtained the exclusiveness in respect of the mark, D.R and D.R.RAANKA in favour of them.

5. Having satisfied with the reasons stated in the affidavit filed in support of this application, this application stands ordered.

29.07.2019

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