

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH_KUMAR

C.S.No.462 of 2019

and

O.A.No.724 of 2019

M/s.Radiant Cash Management Services (RCMS)

No.28, Vijayaragava Road,

T.Nagar, Chennai – 600 017

Represented herein by its

Chairman and Managing Director.

... Plaintiff

Vs.

All in Pictures,

Represented by Vijaya Raghavendra,

3C, 2nd Block,

Bajaj Apartments,

5th Cross Street,

Nandanam Extension,

Chennai – 600 035.

... Defendant

Plaint filed under Order VII Rule 1 C.P.C. read with Order IV Rule 1 of the High Court Original Side Rules praying for:

(a) To grant permanent injunction restraining the defendant, by themselves, their partners, men, servants, agents, distributors, representatives or any one claiming through or under them from in any manner infringing the plaintiff's sole and exclusive trademark any other name/mark deceptively similar to plaintiff's mark "Radiant" in any manner whatsoever, including in

relation to the continuing the screening of the film "GORRILA".

(b) Direct the defendant to surrender to the plaintiff the picture negatives, visual, publicity footages, physical prints and/or digital prints/copies of the infringing film "GORILLA" from the defendant for destruction and any other materials in the defendant's possession, which amounts to infringing the exclusive trademark of the plaintiff.

(c) the defendant be ordered to pay to the plaintiff a sum of Rs.1,00,00,000/- as liquidated damages for infringing the plaintiff's trademark;

(d) costs of suit;

(e) and pass such further or other orders as this Hon'ble Court may deem fit in the facts and circumstances of the case and thus render justice.

For Plaintiff : Ms.L.Maithili

For Defendant : Mr.Karthikei Balan
सत्यमेव जयते

J U D G M E N T

When the matter is taken up for hearing, it is submitted by the learned counsel appearing for the defendant that the matter has been settled out of Court. In this regard he has filed an affidavit, which reads as follows:-

"1. I respectfully submit that I am the defendant herein and as such I am filing the present affidavit without prejudice to my rights in the above mentioned suit.

2. I humbly submit that the written statement filed by me may be read as part and parcel of this affidavit. I further submit that the alleged copyright infringement "Radiant" to "Roland" mark appears in the movie only for very few seconds and the same was blurred and removed from the film "GORILLA" in all mediums after the receipt of seize and desist notice. I respectfully submit that a copy of the same is also shown to the counsel appearing for the plaintiff and this defendant undertakes to use only the removed (edited as above) version in all exhibitions in digital and satellite and all other mediums henceforth.

It is therefore prayed that this Hon'ble Court may be pleased to accept the present affidavit and pass appropriate orders as this Hon'ble Court may deem fit and proper and thus render justice."

WEB COPY

2. Since the matter is settled between the parties, the affidavit of the defendant dated 15.10.2019 is taken on record. Accordingly, the suit is dismissed as settled out of Court.

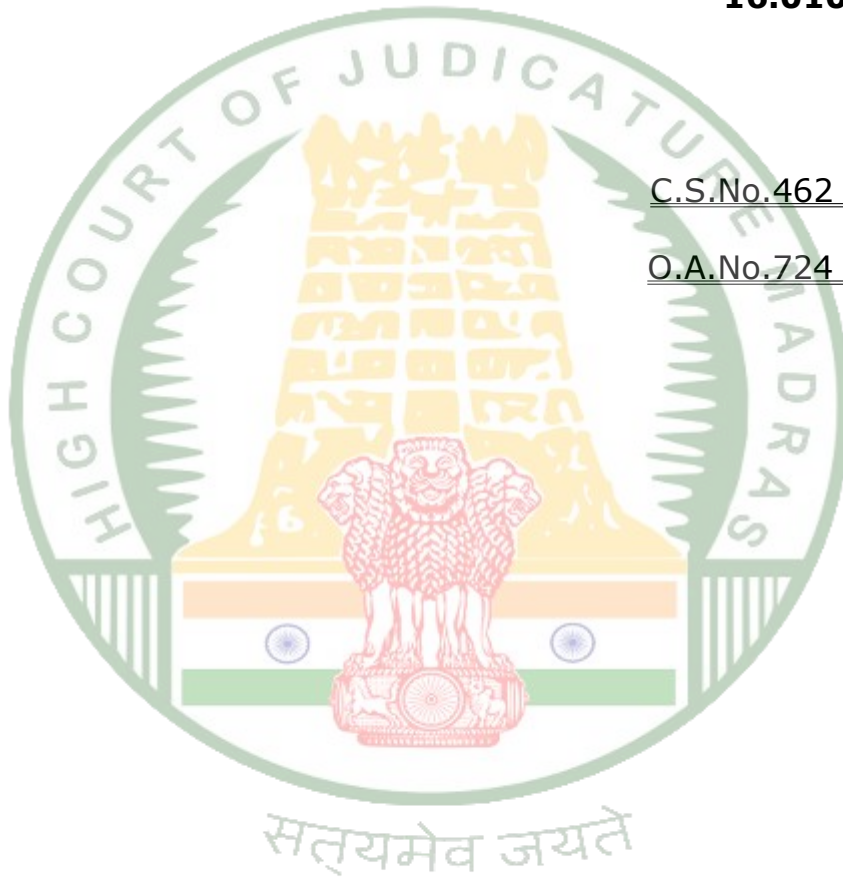
C.S.No.462 of 2019

N.SATHISH KUMAR,J.

Consequently, connected original application is closed. Registry is directed to refund the Court fee as per law.

16.010.2019

AT



C.S.No.462 of 2019
and
O.A.No.724 of 2019

WEB COPY