

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2019

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

C.S.No.798 of 2018

M/s.Influence Enterprises (India) Private Limited,
Rep. by its Director Mr.Naresh Kumar,
Regd. Office: No.3, Blackers Road, 4th Floor,
Vijay Complex, Anna Salai,
Chennai - 600 002.

... Plaintiff

Vs.

1. Touch Influence Spa,
Rep. by Mrs.Annie Anto Subhashini &
Mr.Jayan govindan,
I-28, First Avenue, First Floor,
Goldie Building, I-Block,
Anna Nagar (East)
Chennai - 600 102.

2. Mrs.Annie Anto Subhashini

3. Mr.Jayan Govindan

... Defendants

Plaint filed under Order IV Rule 1 of Original Side rules read with Order VII Rule 1 of CPC read with Section 7 of the Commercial Courts Act 2015 (Act 4 of 2016) and Sections 134 & 135 of the Trade Marks Act praying for:

(a) For a Permanent Injunction restraining the defendants their men, servants, agents, associates and/or assignees or any person claiming any right from or under them from infringing the plaintiff's reputed and well known registered Trademark "INFLUENCE" by using the aforesaid offending Trademark "INFLUENCE" or any other mark or

word deceptively similar to the aforementioned registered Trademark of the plaintiff;

(b) For a permanent injunction restraining the defendants their men, servants, agents, associates and/or assignees or any person claiming any right from or under them from passing of the plaintiff's reputed and well known registered Trademark "INFLUENCE" by using the aforesaid offending the Trademark "INFLUENCE" or any mark or word deceptively similar to the aforementioned registered Trademark of the plaintiff;

(c) For a preliminary decree directing the defendants to render true and proper accounts of the profits made by the defendants by using the aforesaid offending Trademark "INFLUENCE" for their Spa;

(d) For erasure, removal or obliteration from all infringing goods, places, materials or articles in possession or control of the defendants with offending mark "INFLUENCE" deceptively similar to the plaintiff's registered Trademark "INFLUENCE";

(e) direct the defendants to pay a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) to the plaintiff, towards loss of revenue caused to the plaintiff by reason of the defendants running the Spa with the offending Trademark "INFLUENCE";

(f) Direct the defendants to pay the costs of the suit to the plaintiff; and

(g) grant such further or other relief or reliefs as this Court may deem fit and proper in the circumstance of the case and thus render justice.

For Plaintiff : Vakalat returned for plaintiff Counsel

For defendants : Mr.M.Vijayan for D1 to D3

J U D G M E N T

This Suit has been filed in the name of the Company. The last hearing date was 28.08.2019 and on 28.08.2019 this Court has recorded the Company Master Data to indicate that the Company was struck off and the matter has been adjourned to enable to plaintiff to file any document that the company is restored. However, no such document is filed. Therefore, the suit is dismissed as infructuous and liberty is granted to the plaintiff, in case of restoration of the company, to file an application to restore the suit. No costs. Consequently, connected applications are closed.

06.09.2019

Speaking order / Nonspeaking order
Index : Yes / No
Internet : Yes / No
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