

A.Nos.476 & 477 of 2020
and C.S.No.334 of 2019

Dr.G.JAYACHANDRAN, J.

The Civil Suit No.334 of 2018 is filed under the Trademarks Act seeking damages, injunction against infringement of trademark and passing off and rendition of account.

2. The case of the plaintiff is that the defendants who were appointed as the employee by the plaintiff for marketing the plaintiff's software, failed to remit the statutory liability collected from the customers besides indulging in infringement of the plaintiff's trademark. Hence, damages to the tune of Rs.1crore and order for rendition of accounts sought in the suit.

3. In the present applications, the petitioner/plaintiff has sought for a direction to the 1st respondent/1st defendant to disclose all the bank accounts operated by it since substantial portion of the sale proceeds of the software, diverted to the defendants 2 and 3, who are the Managing Directors of the 1st defendant's company. Despite notice Defendant has not filed counter.

4. From the pleadings, this Court finds that there is specific allegations made in the plaint that the sale proceeds of the plaintiff's product were diverted by the defendants besides infringement of the trademark. Since there is prayer for rendition of account to assess the damage, there shall be no impediment to disclose his accounts, so that diversion of funds, if any, will be prevented. Hence application Nos.476 and 477 of 2020 are allowed.

5. The respondents are directed to submit accounts as sought in these applications on or before 20.03.2020.

6. Call the matter on 21.03.2020

28.02.2020

Note: Issue order copy on 02.03.2020

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