

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

CORAM:

THE HON'BLE JUSTICE C.V.KARTHIKEYAN

C.S.No.281 of 2020
and O.A.No.518 of 2020

M/s. V.V.V & Sons Edible Oils Limited.

Represented by its Director,

M.Rajiv Vignesh,

No.443, Bazaar,

Virudhunagar - 626 001.

... Plaintiff

..Vs..

M/s. K.T.V. Health Food Pvt Ltd.,

No.48/310, Thambu Chetty Street,

Chennai - 600 001.

Factory at

No.7/3, Arul Nagar Salai,

R.V.Nagar Post, Kodungaiyur,

Chennai - 600 118.

... Defendant

PRAYER : Complaint filed under and Order IV Rule 1 of the Madras High Court Original Side Rules read with Sections 134& 135 of the Trade Marks Act, 1999 prayed for a Judgment and Decree:-

(a) a permanent injunction restraining the defendants, their men or agents or anybody claiming under them from in any way infringing the registered composite trade mark of the plaintiff by affixing IDHAYAM on

their goods within India;

(b) damages of Rs.10,00,000/- to be paid by the defendants to the plaintiff;

(c) grant costs of this suit.

For Plaintiff : Mr.V.Anand

For Defendant : M/s.C.Daniel

JUDGMENT

Both parties had filed the Memorandum of Compromise dated 04.11.2020. It has been signed by the learned counsels for the plaintiff and the defendant.

2. The relevant portion of the Memorandum of Compromise is as follows:

*"1. The defendant agrees that the plaintiff is the registered Proprietor of the Trademark **IDHAYAM** in word and various devices in India.*

*2. The defendant agrees that the plaintiff is the prior user of the Trademark **Idhayam** in India.*

3. *The plaintiff and the Defendant have agreed to compromise the matter in the following terms:*

4. *The terms plaintiff and Defendant shall mean and include its heirs, executors, administrators, successors and assigns of each party.*

5. *The Defendant submit to a Judgment and decree as prayed for in terms of prayer [a] of para 15 of the Plaint for*

*(a) a permanent injunction restraining the defendants, their men or agent or anybody claiming under them from in anyway infringing the registered composite trademark of the plaintiff by affixing **IDHAYAM** on their goods within India.*

In view of the decree for permanent injunction, the Plaintiff have given up the relief contained in prayers [b] [c] and [d] in para 15 of the plaint including cost of the suit."

4. Since both the parties have agreed to the terms of the Memorandum of Compromise, the same is recorded and the suit is decreed accordingly. No order as to costs. Consequently, connected Original

C.V.KARTHIKEYAN, J

rna

Application is also closed. The Memorandum of Compromise shall form part of the decree.

10.11.2020

Index : Yes / No
Web : Yes / No
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