



WEB COPY



*O.A.Nos.1011 & 1012 of 2018
in C.S.No.750 of 2018*

O.A.Nos.1011 & 1012 of 2018

in

C.S.No.750 of 2018

M.SUNDAR, J

This common order will now dispose of the captioned two applications.

2. In these proceedings, parties to the applications shall be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

3. This order has to be read in conjunction with and in continuation of separate proceedings made in the main suit today, which reads as follows:

*C.S.No.750 of 2018
and A.No.1703 of 2021*

C.S.No.750 of 2018
and
A.No.1703 of 2021

M.SUNDAR, J

Matter mentioned at quarter past two.

2. Ms.Aiswarya YK of M/s.Surana and Surana [Law Firm] for the plaintiff and Mr.S.Balasubramaniam, learned counsel for defendant are before this Commercial Division.

3. In these proceedings, parties shall be referred to as by their respective ranks in the main suit for the sake of convenience and clarity.

4. Captioned suit is listed under the cause list caption 'FOR-FILING WRITTEN ARGUMENTS'.

5. Learned counsel for plaintiff submits that written arguments has already been filed. Learned counsel for defendant submits that written arguments are ready and the same will be filed in the Registry in the course of the day today. Learned counsel for defendant requests for an accommodation in this regard. This Commercial Division is also informed that learned counsel for defendant has already shared a copy of written arguments with the counsel for plaintiff.



WEB COPY



*O.A.Nos.1011 & 1012 of 2018
in C.S.No.750 of 2018*

*C.S.No.750 of 2018
and A.No.1703 of 2021*

M.SUNDAR, J

kmi

6. List under the cause list caption 'FOR ORAL ARGUMENTS' three weeks hence. List on 17.11.2022.

27.10.2022
(1/2)

kmi

C.S.No.750 of 2018
and A.No.1703 of 2021

4. The above proceedings is telltale qua the trajectory the suit has taken and the advanced stage of the suit.

5. Both captioned applications have been taken out by plaintiff. The main suit is for reliefs qua infringement of Trade Mark and passing off. OA.No.1011 of 2018 is for interim relief qua alleged infringement and O.A.No.1012 of 2018 is for relief qua alleged passing off. Interim injunction orders in captioned applications were granted on 12.11.2018. Learned counsel for defendant submits that in deference to the interim orders, the name of the



O.A.Nos.1011 & 1012 of 2018
in C.S.No.750 of 2018

defendant has been changed and the defendant is carrying on business.

However, this is without prejudice to the rights and contentions of the defendant in the main suit is learned counsel's say. There is no difficulty in accepting this position owing to the advanced stage of the suit.

6. However, learned counsel for plaintiff points out that there is disobedience of the interim injunction orders and therefore, the plaintiff has taken out an application in A.No.1703 of 2021 *inter alia* under Order XXXIX Rule 2A of 'The Code of Civil Procedure, 1908 (Act No.5 of 1908)' [hereinafter 'CPC' for the sake of brevity, convenience and clarity].

7. Considering the length of time, considering the obtaining position of defendant continuing to carry on business albeit with a changed name, the interim injunctions are made absolute without expressing any further opinion or view on the matter [no further opinion besides the opinion expressed at the time of grant of interim order] and preserving all the rights of the defendant in the main suit and in the alleged disobedience plea.

8. Captioned two applications are disposed of in the aforesaid manner.

There shall be no order as to costs.

27.10.2022
(2/2)

kmi



WEB COPY



*O.A.Nos.1011 & 1012 of 2018
in C.S.No.750 of 2018*

M.SUNDAR, J

kmi

O.A.Nos.1011 & 1012 of 2018
in C.S.No.750 of 2018

27.10.2022
(2/2)