



C.S.628 of 2000

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :07.12.2021

Coram:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Suit No.628 of 2000

MRF Limited,
124, Greaves Road,
Chennai-600 006

.. Plaintiff

/versus/

Mr.Sanjay Dutta,
1/1A, Gobinda Sarkar Lane,
Calcutta-700 012.

..Defendant

Prayer: Civil Suit has been filed under Section 151 C.P.C. and Order VII, Rule 1 of the C.P.C. Read with Order IV, Rule 1 of the Original Side Rules and Sections 27 & 105 of the Trade and Merchandise Marks Act, 1958, praying to pass a judgment and decree for:-

(a) Granting a permanent injunction restraining the defendant and his dealers, agents, representatives or any one claiming through him, from manufacturing, selling, advertising or offering or sale, batteries and other goods using the trade mark ZIGMA or any other trademark which is identical or deceptively similar to the plaintiff's trade mark ZIGMA and passing off or enabling others to pass off the business and goods of the defendant as and for those of the plaintiff.



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(b) For mandatory injunction directing the defendant to surrender to the plaintiff, for destruction, all his batteries, cartons, packages and other goods, sales promotion and advertising material packaging, stationery and all other materials/objects containing/ bearing the trade mark ZIGMA.

(c) For a preliminary decree in favour of the plaintiff directing the defendant to render an account of the profits made by him by the use of the trademark ZIGMA on batteries or on any of his goods and a final decree in favour of the plaintiff for the amount of the profit found to have been made by the defendant after the defendant has rendered accounts.

(d) Directing the defendant to pay to the plaintiff the costs of the suit and

(e) for such further or other order that this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Plaintiff :Mr.Madhan Babu

For Defendant :No Appearance

J U D G M E N T

The learned counsel for the plaintiff on instructions submitted that the defendant is no longer carrying on with the business or is using the trademark of the plaintiff.

2. The learned counsel therefore submitted that this statement can



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be recorded by granting liberty to the plaintiff to approach this Court if any cause of action arises in future.

3. This Civil Suit is disposed of in terms of the submission made by the learned counsel for the plaintiff. There shall be no order as to costs. Consequently, connected applications are closed, if any.

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Index:yes/no
nsa/rka



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N.ANAND VENKATESH. J.,
nsa/rka

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