

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

**C.S.Nos.66 of 2020
and
O.A.Nos.105 and 106 of 2020,
and A.No.682 and 683 of 2020**

Hatsun Agro Product Ltd.,
Having registered office at
No.1/20-A, Rajiv Gandhi Salai (OMR),
Karapakkam, Chennai 600 097.

And also carrying on its business at
Ol'd No.AD-83/New No.AD13,
Anna Nagar, Opp.:IOB Towers Branch,
Chennai 600 040.

Rep. by its Authorized Signatory.

... Plaintiff

..VS..

1.M/s.Arogya Rahasya Private Limited,
Regd. Office:6-1-297/1,
Venkatapuram Colony, Padmarao Nagar,
Secunderabad 500 025,
Telengana

2.Mr.Amrut Lal Sivanand Patel,
#6-3-3/2/A, Near Gandhi Hospital,
Metro Station, New Bhoiguda,
Secunderabad 500 003,
Telengana.

...Defendants

Prayer:Civil Suit filed under Order VII Rule I of Civil Procedure Code read with Order (iv) Rules (I) of the O.S.Rules and Section 134 and 135 of the Trademarks Act, 1999 and Section 7 of the Commercial Courts Act, 2015 for the following reliefs:

(a) For permanent injunction restraining the defendants by itself,
its agents, servants, distributors or any one claiming through it from

using in any manner infringing the plaintiffs trademark "AROKYA" by exposing for sale or using them or copying/reproducing or causing reproduction of the same in any packaging or literature or any colourable imitation or substantial reproduction thereof in any manner whatsoever or causing infringement of the plaintiff's registered trademark as described in the Schedule to the Plaint.

(b) For permanent injunction restraining the defendants by itself, its agents, servants, distributors or any one claiming through it in any manner whatsoever from passing off its products as that of the plaintiff by using the offending trademark "AROGYA RAHASYA" which is similar, deceptively similar and identical to the plaintiff's trademark AROKYA or by using any other trademark which is similar, deceptively similar or identical to that of the plaintiff's trademark AROKYA by manufacturing or selling or offering for sale in any manner advertising the same.

(c) Directing the defendants to surrender to the plaintiff the entire products with the offending labels, stocks with offending labels together with the blocks and dies, name boards, sign boards, etc., for destruction.

(d) Directing the defendants to render true and faithful accounts of the profits earned by them through the sale of the offending floor cleaner products bearing the offending trademark label and directing payment of such profits to the plaintiff.

(e) Directing the defendant to pay to the plaintiff the cost of the suit.

For Plaintiff : Mr.G.Kalyan Jhabakh

For Defendants : Mr.G.Sudhagar

J U D G M E N T

On receipt of the suit summons in the case filed against the defendants alleging infringement of copyright, the defendants have entered appearance and filed a Memo of Compromise dated 15.04.2021 with an undertaking that the second defendant will withdraw the trademark Application No.4267155, currently pending on the file of the Trademark Registry and also will not attempt to register any trademark containing the plaintiff's trademark "AROKYA" or any trademark, which is identical or similar to the plaintiff trademark "AROKYA".

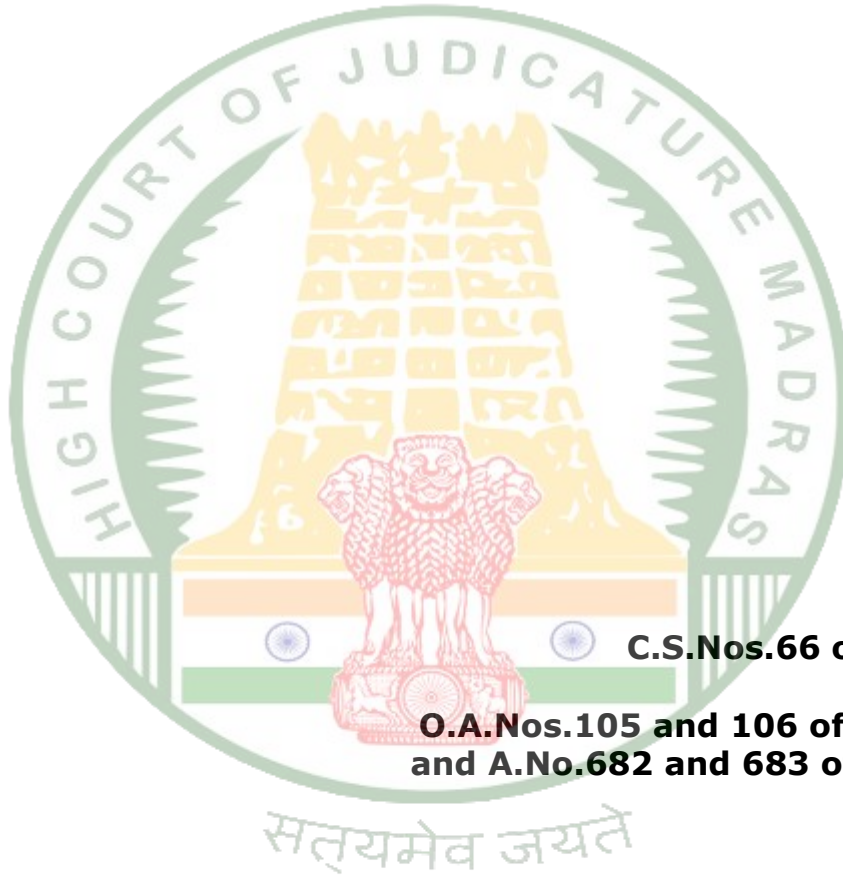
2.Learned counsels appearing on both sides represented that the memo of compromise shall be recorded and the suit may be decreed in terms of the compromise memo.

3.Recording the submission, the suit is decreed in terms of compromise memo. The memo of compromise shall form part of the decree. No costs. The connected applications are closed.

19.04.2021

DR.G.JAYACHANDRAN,J.

Vri



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and**

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