



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 22ND DAY OF JULY 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S. No.162 of 1999

Mr.S.K. Reddy,
Trading as Nav Bharat Garments,
H-136, Third Main Road,
IVth Cross, Nagappa Block,
Srirampuram, Bangalore – 560 021.

... Plaintiff

-Versus-

Vishal Enterprises
No. 67, Maddox Street,
Vepery,
Chennai – 600 007.

Amended as per orders in Application No. 3330/01 dated 6/11/2001.

... Defendant

C.S.No. 162 of 1999

Civil Suit praying that this Hon'ble Court be pleased to grant a judgment and decree:

- a) granting a permanent injunction restraining the defendant, above named by themselves, their servants, agents or anyone claiming through them from in any manner infringing the plaintiff's well



established trade mark CAMPUS by using the offending trade mark CAMPUS in respect of ready made garments or any other mark or marks which are deceptively similar to or identical to the plaintiff's well established trade mark CAMPUS;

- b) Granting a permanent injunction restraining the defendants above named by themselves, their servants, agents or anyone claiming through them from in any manner infringing the Plaintiff's well established copyright over the artistic work CAMPUS by using the offending artistic work CAMPUS, in respect of ready made garments, any other work or works which are deceptively similar to or identical to the plaintiff's copyright over the artistic work CAMPUS;
- c) Granting a permanent injunction restraining the defendants abovenamed, their servants, agents or anyone claiming through them from in any manner passing off of their ready made garments bearing the offending artistic work and trade mark CAMPUS as and for the plaintiff's well established ready made garments sold under the artistic work and the well established trade mark CAMPUS either by selling or offering for sale or in any manner advertising the same.



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- d) directing the defendants herein to surrender to the plaintiff the entire stock of unused offending labels bearing the offending trade mark and the artistic work CAMPUS along with the blocks and dyes for destruction.
- e) Directing the defendants to render a true and faithful account of the profits earned by the Defendants through the sale of ready made garments sold under the offending trademark and the artistic work and directing payment of such profits to the plaintiffs for the passing off committed by the defendants;
- f) Directing the Defendants to pay the costs of the suit.

This suit coming on this day before this court for hearing in the presence of Mr.Rahul M. Shankar, Advocate for the defendant herein and the plaintiff herein, not appearing in person or by advocate and upon reading the plaint filed herein and the learned counsel for the plaintiff having submitted that the Plaintiff has taken back the papers long ago, no new counsel has entered appearance, **it is ordered as follows:-**

2) That the suit in C.S.No. 162 of 1999, be and is hereby dismissed for non-prosecution



3) That there shall be no costs of this suit.

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WITNESS, THE HON'BLE MR.JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT OF MADRAS AFORESAID, THIS THE
22ND DAY OF JULY 2021

Sd/-
ASSISTANT REGISTRAR (Comm.Cases)

/Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
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C.S.No. 162 of 1999

DECREE
DATED 22/07/2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 08/09/2021

APPROVED ON:09/09/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.162 of 1999

S.K.Reddy

...Plaintiff

.Vs.

Vishal Enterprises
No.67, Maddox Street,
Vepery,
Chennai – 600 007.

[Amended as per order in Appln.No.3330 of 2001 dated 06.11.2001]

... Defendant

Plaint filed under Order VII Rule 1 of the Code of Civil Procedure read with Order IV Rule 1 of the Original Side Rules and Sections 105 and 106 of the Trade and Merchandise Marks Act, 1958 and under Section 55 and 62 of the Copyright Act, 1957 praying for a judgment and decree against the defendant:

a) granting a permanent injunction restraining the defendants abovenamed by themselves, their servants, agents or anyone claiming through them from in any manner or anyone claiming through them from in any manner infringing the plaintiff's well established trade mark CAMPUS



by using the offending trade mark CAMPUS in respect of ready made garments or any other mark or marks which are deceptively similar to or identical to the plaintiff's well established trade mark CAMPUS;

b) granting a permanent injunction restraining the defendants abovenamed by themselves, their servants, agents or anyone claiming through them from in any manner infringing the plaintiff's well established copyright over the artistic work CAMPUS by using the offending artistic work CAMPUS, in respect of ready made garments, any other work or works which are deceptively similar to or identical to the plaintiff's copyright over the artistic work CAMPUS;

c) granting a permanent injunction restraining the defendants abovenamed, their servants, agents or anyone claiming through them from in any manner passing off of their ready made garments bearing the offending artistic work and trade mark CAMPUS as and for the plaintiff's well established ready made garments sold under the artistic work and the well established trade mark CAMPUS either by selling or offering for sale or in any manner advertising the same;

d) directing the defendants herein to surrender to the plaintiff the entire stock of unused offending labels bearing the offending trade mark and the artistic work CAMPUS along with the blocks and dyes for destruction;

e) directing the defendants to render a true and faithful account of the profits earned by the defendants through the sale of ready made garments sold under the offending trade mark and the artistic work and directing payment of such profits to the plaintiffs for the passing off committed by the defendants;

f) directing the defendants to pay the costs of the suit.



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For Plaintiff : No appearance

For Defendant : Mr.Rahul M.Shankar

J U D G M E N T

Mr.Rajesh Ramanathan, learned counsel appearing for the plaintiff would submit that the plaintiff has taken back the papers long ago. No new counsel has entered appearance.

2. Hence, the suit is dismissed for non-prosecution. No costs.

Sd/- R.S.M.J.
27/07/2021

List of the witnesses examined on the side of the plaintiff: Nil

List of Exhibits marked on the side of the plaintiff : Nil

List of the witnesses examined on the side of the defendant: Nil

List of Exhibits marked on the side of the defendant: Nil

Sd/- R.S.M.J.
27/07/2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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