

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.432 of 1999

G.E.Motors India Ltd.,
Sector-11, Model Town,
Fairabad – 121 006.
Haryana State represented by its
Power of Attorney Agent and
Regional Manager

...Plaintiff

Vs.

- 1.Govindaraj
Trading as: “GMS Agencies”,
Pappanayakanpalayam,
Coimbatore – 641 037.
- 2.R.Sreenivasan,
Trading as: “Sri Sivasakthi Stores”,
814, Bharathiar Road,
Pappanayakanpalayam,
Coimbatore – 641 037.
- 3.Uthaya Suriyan,
Trading as “Uthayam Furniture Mart”,
11, Madurai Road, Silampatti,
Madurai District.
- 4.K.Sakthivel,
Trading as “Surya Trading Co.”,
62-B, Kumaraswamy Gounder Street,
Rathnapuri, Coimbatore – 641 027.

- 5.R.M.Anandan,
Trading as “Shri Nithya Industries”,
32-G, Palaniswamy Gounder Street,
Rathnapuri, Coimbatore – 641 027.
- 6.K.Suresh Babu,
Trading as “Lakshmipriya Electricals”,
177-A, Bharathiar Road,
Maniyakaran Palayam, Ganapathy Post,
Coimbatore – 641 006.
- 7.Sundararajan,
Trading as “Aarthi Agencies”,
184, Thambu Chetty Street,
Chennai – 600 001.
- 8.Murugesan,
Trading as “Subha Stores”,
266, M.T.H.Road, Padi,
Chennai – 600 050.
- 9.Narayanan,
Trading as “Bell Antena Industries & Bell Industries”,
187, Puraswalkam High Road,
Chennai – 600 010.
- 10.Azhagaraswamy,
Trading as “Pradeepa Industries”,
102, Ayya Mudaly Street,
Chinthadripet, Chennai – 600 002.
- 11.Chakravarthy,
Trading as “Mahalakshmi Agencies”,
59, Trunk Road, Poonamallee,
Chennai – 600 056.

12.Rajagopal,
Trading as “Raja Stores”,
Trunk Road, Poonamallee,
Chennai – 600 056.

13.Ponraj,
Trading as “Mookambikai Electronics”,
Near Water Tank Bus Stop,
Poonamallee, Chennai – 600 056.

14.C.P.Nasar,
Trading as “Alankar Electronics”,
67, L.B.Road, (Opp. Jayanthi Theatre),
Thiruvannmiyur, Chennai – 600 041.

...Defendants

Prayer: Plaintiff filed under Sections 27, 105, 106 of the Trade & Merchandise Marks Act, 1958 and Order IV Rule 1 of the Original Side rules & Order VII Rule 1 of C.P.C., praying as follows:-

a) granting a permanent injunction restraining the defendants by themselves, their servants, their agents and their distributors from committing passing off their goods by selling AUE motors as the goods MO-1 of the Plaintiff by using their Trademark “AUE” or any other abbreviation or word phonetically and deceptively similar to the Trademark “AUE” on their product and pass off their goods as the goods (MO-1) of the Plaintiff or enable others to pass off.

b) directing the Defendants to render a true and faithful account of the profit earned by using the Trademark “AUE” and directing such profits to be paid to the Plaintiff on account of passing off committed by Defendants by using the Trademark “AUE”.

c) directing the Defendants to surrender to the Plaintiff all labels, packets, other trade literature containing or consisting of the offending Trademark “AUE” or any other Trademark similar to the expression AUE together with the blocks used for the purpose of embossing or printing the same for destruction.

d) directing the defendants to pay to the plaintiff the cost of the suit.

For Plaintiff : Mr.N.Nithianandam – No instructions

For Defendants : Mr.B.S.Gnanadesikan for D1, D4, D5 & D8

Mr.S.Chandrasekaran for D7

Mr.M.Govindaraj for D9

Mr.G.Poonkunran

for D2, D10, D11, D12 & D14

J U D G M E N T

Mr.N.Nithianandam, learned counsel appearing for the plaintiff would submit that he is unable to get in touch with the plaintiff.

2.In view of said statement made by the learned counsel for the plaintiff, this suit is dismissed for non-prosecution. No costs.

06.10.2021

kkn

Internet:Yes/No

Index:Yes/No

Speaking / Non-Speaking

List of witness and documents filed on the side of the plaintiff:

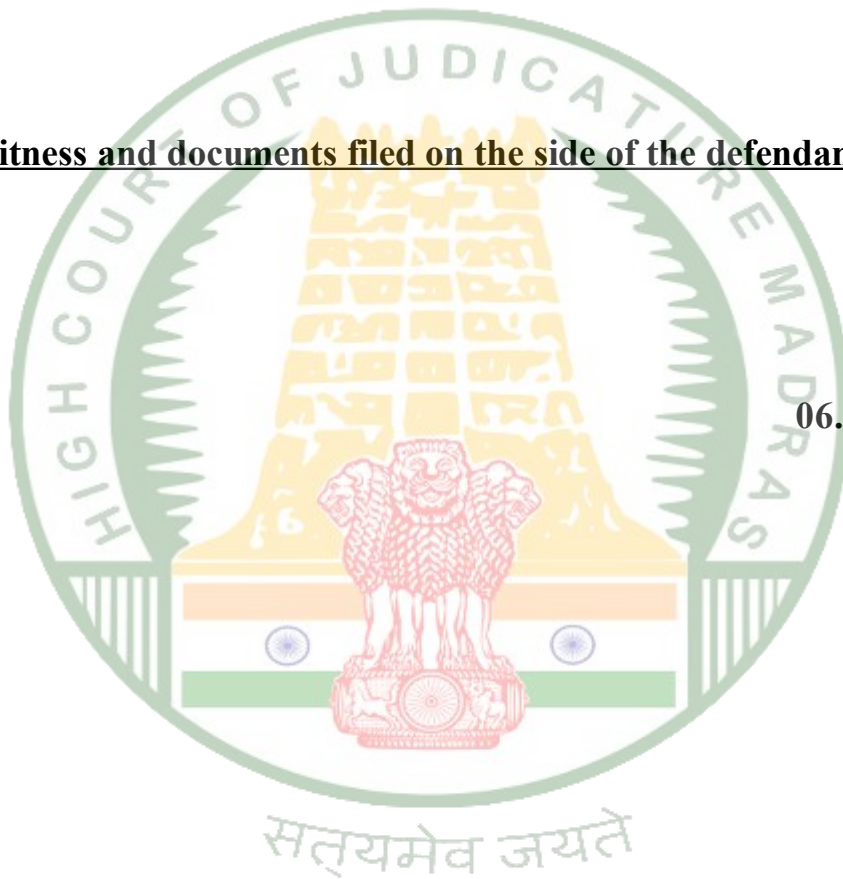
Nil

List of witness and documents filed on the side of the defendants:

Nil

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R.SUBRAMANIAN, J.

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