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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 27th DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No.212 of 2000

1. Lucas TVS Limited,
No.6, Patullos Road,
Chennai - 600 002.
rep. by its Constituted Attorney,
Mr.T.Sundaram.

2. Lucas Indian Service Limited,
No.272, Anna Salai, Chennai – 600 018.
rep. by its Constituted Attorney,
Mr.T.Sundaram

...Plaintiffs

Versus

1.Surya Carbons,
No.131, Pillaiyar Koil Street,
Jafferkanpet, Chennai – 600 095.
rep. by its Proprietor,
Mr.N.Suriyanarayanan

2.A.P.A.Carbons,
No.129, Pillaiyar Koil Street,
Jafferkanpet, Chennai – 600 095.
rep. by its Proprietor,
Mr.N.Sridharan

3.Shree Vinayaga Enterprises,
No.21, Ponniyamman Koil Street,
Puzhuthivakkam, Chennai – 600 091.
rep. by Mr.Karthikeyan



4. Rajkart Enterprises,
No.386, Arcot Road,
Next to MIET, Kodambakkam,
Chennai – 600 024. rep. by its Proprietor,
Mr.P.B.Rajasekar

5. Venkateshwara Carbons,
No.5, Rajaji Street, Jayaram Nagar, Kolathur,
Chennai – 600 099. rep. By Mr.C.S.Kamadurai

6. Rajesh Carbons, ***a partnership firm having office at**
No.61, 81st Street, Ashok Nagar,
Chennai – 600 083.
rep. By its ***Partner, Mr.M.Kumar**

*** (Amended as per order dated
20th Oct 2000 in Appln. No. 4445/2000.)**

7. Thirumalai Carbons,
No.7, Surapet Road,
Vinayagapuram, Chennai – 600 099.
rep. by its Proprietor, Mr.T.Gopi

...Defendants

Civil Suit praying that this Hon'ble Court be pleased to grant a
judgment and decree on the following terms:-

a) a perpetual order and injunction restraining the Defendants by
themselves, their partners, heirs, legal representatives, successors-in-
business, assigns, servants, agents, distributors, stockists, representatives or
any of them from in any manner infringing the plaintiffs registered Trade



deceptively similar thereto;

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b) granting a perpetual order and injunction restraining the Defendants by themselves, their partners, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, stockists, representatives or any of them from in any manner passing off or enabling others to pass off the Defendants' starter brush, dynamo brush, switch, rectifier and other auto electrical parts, components as and for the plaintiffs products by use of the Trade Marks LUCAS TVS, LION and DEVICE OF LION or any mark/s similar thereto and/or by use of packing materials, cartons, labels, pouches which are a slavish imitation of, identical to or deceptively similar to plaintiffs distinctive LUCAS TVS packaging, labels, cartons, pouches, having colour scheme of green with black lettering with distinctive get up and layout or in any other manner whatsoever;

c) a permanent injunction restraining the Defendants by themselves, their partners, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, stockists, representatives, assigns or any of them from committing acts of copyright infringement by printing, manufacturing, offering for sale, selling, distributing, dealing with starter brush, dynamo brush, switch, rectifier and other auto electrical parts and components packed in cartons, pouches, labels and other packing material



packaging having colour scheme of green and black, get up and layout which are an imitation of, substantial reproduction of Plaintiffs copyright in the artistic works DEVICE OF LION, distinctive LUCAS TVS packaging having colour scheme of green and black, get up and layout or in any other manner whatsoever;

d) the Defendants be ordered to surrender to plaintiffs for destruction all starter brush, dynamo brush and other auto electrical parts, goods, cartons, labels, prints, blocks, dyes, plates, moulds and other material bearing the plaintiffs registered Trade Marks LUCAS TVS, LION and DEVICE OF LION or any mark similar thereto, and artistic works DEVICE OF LION, distinctive LUCAS TVS packaging having colour scheme of green and black, get up and layout;

e) the Defendants be directed to pay to the plaintiffs as damages a sum of Rs.10,05,000/- in respect of acts of infringement of Trade Mark infringement of copyright and passing-off committed by the Defendants;

f) a preliminary decree be passed in favour of the plaintiffs directing the Defendants to render account of profits made by the latter by manufacturing, offering for sale, selling, distributing, dealing with starter brush, dynamo brush, switch, rectifier, and other auto electrical parts and components packed in cartons, pouches, labels and other packing material

bearing the artistic works DEVICE OF LION, distinctive LUCAS TVS



packaging having colour scheme of green and black, get up and layout and/or Trade Marks LUCAS TVS, LION and DEVICE OF LION or any mark similar thereto and a final decree be passed in favour of the Plaintiffs for the amount of profits thus to have been made by the Defendants after the latter have rendered accounts;

g) for costs of the suit.

This civil suit coming on this day before this Court for hearing in the presence of Mr.Rahul M.Shankar for M/s. Brinda Mohan, Advocates for the plaintiffs herein and Mr.Prasanna Venkat for Mr.Prabhakara Reddy, Advocates for the 1st defendant and Mr.R.Santhanam, Advocates for the 4th defendant and Mr.S.K.Rakunathan, Advocates for the 6th defendant and the defendants 3, 5, 2 and 7 herein not appearing in person or by advocate and the defendants 3, 5 and 7 herein, having been set exparte and the learned counsel for the plaintiffs having submitted that he has got instructions to withdraw the suit, and this Court doth recording the same, it is ordered as follows:-

That the suit in C.S.No.212 of 2000, be and is hereby dismissed as



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

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
27th DAY OF OCTOBER 2021.

Sd/-

ASSISTANT REGISTRAR(Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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of the Orders/Judgments/Decrees in this format.



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ARS
03.01.2022

C.S.No.212 of 2000

ORDER

DATED : 27.10.2021

THE HON'BLE MR. JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 11.01.2022

APPROVED ON : 24.01.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.212 of 2000

1.Lucas TVS Limited,
No.6, Patullos Road, Chennai – 600 002.
rep. By its Constituted Attorney,
Mr.T.Sundaram

2.Lucas Indian Service Limited,
No.272, Anna Salai, Chennai – 600 018.
rep. By its Constituted Attorney,
Mr.T.Sundaram

...Plaintiffs

Vs.

1.Surya Carbons,
No.131, Pillaiyar Koil Street,
Jafferkanpet, Chennai – 600 095.
rep. By its Proprietor,
Mr.N.Suriyanarayanan

2.A.P.A.Carbons,
No.129, Pillaiyar Koil Street,
Jafferkanpet, Chennai – 600 095.
rep. By its Proprietor,
Mr.N.Sridharan

3.Shree Vinayaga Enterprises,
No.21, Ponniamman Koil Street,
Puzhudhivakkam, Chennai – 600 092.
rep. By Mr.Karthikeyan

4.Rajkart Enterprises,
No.386, Arcot Road,



Next to MIET, Kodambakkam,
Chennai – 600 024. rep. By its Proprietor,
Mr.P.B.Rajasekar

5.Venkateshwara Carbons,
No.5, Rajaji Street, Jayaram Nagar, Kolathur,
Chennai – 600 009. rep. By Mr.C.S.Kamadurai

6.Rajesh Carbons,
No.61, 81st Street, Ashok Nagar,
Chennai – 600 083. a partnership firm
rep. By its Partner, Mr.M.Kumar

7.Thirumalai Carbons,
No.7, Surapet Road,
Vinayagapuram, Chennai – 600 099.
rep. By its Proprietor, Mr.T.Gopi

...Defendants

Prayer: Complaint filed under Order IV Rule 1 of the High Court original side and Order VII Rule 1 of C.P.C., and under Sections 27, 29, 105 & 106 of the Trade and Merchandise Marks Act, 1958, Sections 27, 28, 29, 134 and 135 of Trademarks Act, 1999 and Sections 51, 55 and 62 of the Copyright Act, 1957, praying as follows:-

a) a perpetual order and injunction restraining the Defendants by themselves, their partners, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, stockists, representatives or any of them from in any manner infringing the plaintiffs registered Trademarks LION and DEVICE of LION by use of Trademarks identical or deceptively similar thereto;

b) granting a perpetual order and injunction restraining the



Defendants by themselves, their partners, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, stockists, representatives or any of them from in any manner passing off or enabling others to pass off the Defendants' starter brush, dynamo brush, switch, rectifier and other auto electrical parts, components as and for the plaintiffs products by use of the Trademarks LUCAS TVS, LION and DEVICE OF LION or any mark/s similar thereto and / or by use of packing materials, cartons, labels, pouches which are a slavish imitation of, identical to or deceptively similar to plaintiffs distinctive LUCAS TVS packaging, labels, cartons, pouches, having colour scheme of green with black lettering with distinctive get up and layout or in any other manner whatsoever;

c) a permanent injunction restraining the Defendants by themselves, their partners, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, stockists, representatives, assigns or any of them from committing acts of copyright infringement by printing, manufacturing, offering for sale, selling, distributing, dealing with starter brush, dynamo brush, switch, rectifier and other auto electrical parts and components packed in cartons, pouches, labels and other packing material bearing the artistic works DEVICE OF LION, distinctive LUCAS TVS packaging having colour scheme of green and black, get up and layout



the artistic works DEVICE OF LION, distinctive LUCAS TVS packaging having colour scheme of green and black, get up and layout or in any other manner whatsoever;

d) the Defendants be ordered to surrender to plaintiffs for destruction all starter brush, dynamo brush and other auto electrical parts, goods, cartons, labels, prints, blocks, dyes, plates, moulds and other material bearing the plaintiffs registered Trademarks LUCAS TVS, LION and DEVICE OF LION or any mark similar thereto, and artistic works DEVICE OF LION, distinctive LUCAS TVS packaging having colour scheme of green and black, get up and layout;

e) the Defendants be directed to pay to the plaintiffs as damages a sum of Rs.10,05,000/- in respect of acts of infringement of Trademark infringement of copyright and passing off committed by the Defendants;

f) a preliminary decree be passed in favour of the plaintiffs directing the Defendants to render account of profits made by the latter by manufacturing, offering for sale, selling, distributing, dealing with starter brush, dynamo brush, switch, rectifier, and other auto electrical parts and components packed in cartons, pouches, labels and other packing material bearing the artistic works DEVICE OF LION, distinctive LUCAS TVS packaging having colour scheme of green and black, get up and layout and /



similar thereto and a final decree be passed in favour of the Plaintiffs for the amount of profits thus to have been made by the Defendants after the latter have rendered accounts;

g) for costs of the suit.

For Plaintiffs : Mr.Rahul M.Shankar

for Brinda Mohan

For Defendants : Mr.Prasanna Venkat for

Mr.Prabhakara Reddy for D1

Mr.R.Santhanam for D4

Mr.S.K.Rakunathan for D6

D3, D5 & D7 – Set exparte

D2- No Appearance

J U D G M E N T

Mr.Rahul M.Shankar, learned counsel appearing for the plaintiffs would submit that he has got instructions to withdraw the suit.

2.Recording the said statement, this suit is dismissed as withdrawn.

No costs.

Sd/-R.S.M.J.
27.10.2021



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

Nil

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

Nil

Sd/-R.S.M.J.
27.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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