



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 15<sup>th</sup> DAY OF JULY 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No.664 of 2000

1.Prestige Housewares (India) Ltd.,  
78, Old Madras Road,  
Dooravani Nagar,  
Bangalore – 560 016.  
represented by its duly constituted Attorney,  
Shri.S.Kumar

2.TTK Prestige Ltd.,  
78, Old Madras Road,  
Dooravani Nagar,  
Bangalore – 560 016.  
represented by its duly constituted Attorney,  
Shri.S.Kumar

...Plaintiffs

Vs.

SPAN ELECTRONICS,  
M.G.Road,  
Goregaon West (West),  
Mumbai – 600 090.

...Defendant

Civil suit praying that this Hon'ble Court be pleased to pass a  
judgment and decree against the defendant:

a) granting a perpetual order and injunction restraining the defendant

by itself / its partners, servants, agents, distributors, stockists, clearing and

forwarding agents or any of them from in any manner infringing the



Plaintiffs' Copyright in the artistic work PRESTIGE SUPREME or any work which is a colourable imitation of the plaintiff's artistic work PRESTIGE SUPREME or in any manner whatsoever.

b) granting a perpetual order and injunction restraining the defendant by itself / its partners, servants, agents, distributors, stockists, clearing and forwarding agents or any of them from in any manner infringing the plaintiff's trade mark PRESTIGE SUPREME or any mark deceptively similar thereto or in any manner whatsoever.

c) granting a perpetual order and injunction restraining the defendant by itself/its partners, servants, agents, distributors, stockists, clearing and forwarding agents or any of them from in any manner passing off the defendant's spurious gaskets as and for the plaintiff's goods by representation of the plaintiff's trade mark and artistic work PRESTIGE SUPREME or any mark similar thereto on the defendant's goods or packaging.

d) a preliminary decree be passed in favour of the plaintiffs, directing the defendant to render account of profits made by representation of PRESTIGE SUPREME on the product and / or packaging and a final decree

be passed in favour of the plaintiffs for the amount of profits thus found to



have been made by the defendant, after the latter has rendered accounts.

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e)the defendant be ordered to surrender to the plaintiffs for destruction, of all goods, cartons, labels, blocks, dies, screen prints, pamphlets, brochures and other material bearing the Trade Mark and artistic work PRESTIGE or any mark and / or artistic work similar to or which is substantial reproduction of the plaintiffs trade mark and artistic work PRESTIGE.

f)the defendant be ordered and decreed to pay to the plaintiffs a sum of Rs.1,000/- as damages for his wrongful and illegal activities and for the use of Trade Mark and artistic work PRESTIGE.

g) for costs of the suits and

This Civil suit coming on this day before this court for hearing in the presence of Mr.K.Harish, Advocate for the Plaintiffs herein and the defendant 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 he has got instructions to withdraw the suit, and this court



That the suit in C.S.No.664 of 2000 be and is hereby dismissed as  
withdrawn.

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  
15<sup>th</sup> 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.664 of 2000

ORDER :-  
DATED :15.07.2021

THE HON'BLE MR. JUSTICE  
R.SUBRAMANIAN

FOR APPROVAL: 17/08/2021

APPROVED ON: 18/08/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

**C.S.No.664 of 2000**

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Shri.S.Kumar

...Plaintiffs

Vs.

SPAN ELECTRONICS,  
M.G.Road,  
Goregaon West (West),  
Mumbai – 600 090.

...Defendant

Prayer: Complaint filed under Order IV Rule 1 of the Original Side rules r/w.

Sections 51, 55 & 62 of the Copyright Act, 1957 & Sections, 28, 29, 105 &

106 of the Trade and Merchandise Marks Act, 1958, praying as follows:-

a) granting a perpetual order and injunction restraining the defendant



by itself / its partners, servants, agents, distributors, stockists, clearing and forwarding agents or any of them from in any manner infringing the Plaintiffs' Copyright in the artistic work PRESTIGE SUPREME or any work which is a colourable imitation of the plaintiff's artistic work PRESTIGE SUPREME or in any manner whatsoever.

b) granting a perpetual order and injunction restraining the defendant by itself / its partners, servants, agents, distributors, stockists, clearing and forwarding agents or any of them from in any manner infringing the plaintiffs' trade mark PRESTIGE SUPREME or any mark deceptively similar thereto or in any manner whatsoever.

c) granting a perpetual order and injunction restraining the defendant by itself/its partners, servants, agents, distributors, stockists, clearing and forwarding agents or any of them from in any manner passing off the defendants spurious gaskets as and for the plaintiffs goods by representation of the plaintiff's trade mark and artistic work PRESTIGE SUPREME or any mark similar thereto on the defendant's goods or packaging.

d) a preliminary decree be passed in favour of the plaintiffs, directing

the defendant to render account of profits made by representation of



PRESTIGE SUPREME on the product and / or packaging and a final decree be passed in favour of the plaintiffs for the amount of profits thus found to have been made by the defendant, after the latter has rendered accounts.

e)the defendant be ordered to surrender to the plaintiffs for destruction, of all goods, cartons, labels, blocks, dies, screen prints, pamphlets, brochures and other material bearing the Trade Mark and artistic work PRESTIGE or any mark and / or artistic work similar to or which is substantial reproduction of the plaintiffs trade mark and artistic work PRESTIGE.

f)the defendant be ordered and decreed to pay to the plaintiffs a sum of Rs.1,000/- as damages for his wrongful and illegal activities and for the use of Trade Mark and artistic work PRESTIGE.

g) for costs of the suits and

h) for such further and other orders as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.



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For Defendant : No Appearance

### **J U D G M E N T**

Mr.K.Harish, learned counsel appearing for the plaintiff 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.,)

**15.07.2021**

//Certified to be true copy//

Dated at Madras this the      day of      2021.

COURT OFFICER(O.S.)

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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 defendant:**

Nil

Sd./-(R.S.M.J.,)

**15.07.2021**

//Certified to be true copy//

Dated at Madras this the      day of      2021.

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