



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 11TH DAY OF MARCH 2021

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

C.S. No.45 of 2002

M/s.SEA Utensili Diamantati,
rep. by its Authorised Representative,
Mr.Giampaolo Ferrari,
Via Augera, 1-42023,
Cadelbosco Sopra (RE)
Italy.

.. Plaintiff

/versus/

Sea Diamond Tools,
AC-95, 2nd Street,
Anna Nagar,
Chennai-600 040.

.. Defendant

Civil Suit praying that this Hon'ble Court be pleased to pass a judgment and decree as under:-

1) Issuing an order of permanent injunction, restraining defendant by themselves, their men, servants, agents, dealers, sales persons or any persons claiming through or under them from in any manner passing off the plaintiff's well established trading style and trademark SEA by using the offending mark, SEA or any other trademark or trading style which are in any way deceptively similar to, or colourable imitation of the plaintiff's



trademark and trading style SEA.

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2) Award costs.

This Suit coming on this day before this Court for hearing in the presence of Mr.V.Prakash, Senior Counsel, Advocate for the plaintiff herein and the defendant herein, not appearing in person or by advocate and upon reading the plaint filed herein, the Court made the following order:-

The suit has been filed under Sections 105 and 106 of the Trade Marks Act 1958 read with order 1V Rule 1 of O.S. Rules of the Madras High Court, seeking a judgement and decree against the defendant in the nature of permanent injunction restraining them from passing off their products as if they are the products of the plaintiff.

2.The plaintiff is the absolute owner of the limited trade mark of "SEA Utensili Diamantati".

3.Though summons was served on the defendant on 16.02.2002, they have not filed their written statement. Therefore, the defendant is set ex-parte.

4.In view of the fact that the suit had been filed taking advantage of Sections 105 and 106 of the Trade Marks Act 1958, it is clear that the plaintiff has asserted an Intellectual Property Right. The Commercial Division has jurisdiction to examine the issues raised in view of Section



5.The learned senior counsel appearing for the plaintiff stated that the defendant is not continuing the business in view of the injunction made.

6.The interim injunction is made absolute. Therefore, no further orders are required in this case.

7.In view of the submission made by the learned counsel for the plaintiff, the suit is disposed of. No orders as to costs.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
11TH DAY OF MARCH 2021.

Sd/-

ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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28/04/2021

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C.S. No.45 of 2002

ORDER

DATED : 11.03.2021

THE HON'BLE MR.JUSTICE
C.V.KARTHIKEYAN

FOR APPROVAL: 22/07/2021

APPROVED ON: 23/07/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE **C.V.KARTHIKEYAN**

C.S. No.45 of 2002

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rep. by its Authorised Representative,
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.. Plaintiff

/versus/

Sea Diamond Tools,
AC-95, 2nd Street,
Anna Nagar,
Chennai-600 040.

.. Defendant

This Civil Suit is filed to:-

i)issuing an order of permanent injunction, restraining defendant by themselves, their men, servants, agents, dealers, sales persons or any persons claiming through or under them from in any manner passing off the plaintiff's well established trading style and trademark SEA by using the offending mark, SEA or any other trademark or trading style which are in any way deceptively similar to, or colourable imitation of the plaintiff's trademark and trading style SEA.



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(Senior Counsel)

For Defendant

: No appearance

JUDGMENT

The suit has been filed under Sections 105 and 106 of the Trade Marks Act 1958 read with order 1V Rule 1 of O.S. Rules of the Madras High Court, seeking a judgement and decree against the defendant in the nature of permanent injunction restraining them from passing off their products as if they are the products of the plaintiff.

2.The plaintiff is the absolute owner of the limited trade mark of "SEA Utensili Diamantati".

3.Though summons was served on the defendant on 16.02.2002, they have not filed their written statement. Therefore, the defendant is set ex-parte.

4.In view of the fact that the suit had been filed taking advantage of Sections 105 and 106 of the Trade Marks Act 1958, it is clear that the



Division has jurisdiction to examine the issues raised in view of Section 2(1)(c)(xvii) of the Commercial Courts Act, 2015.

5.The learned senior counsel appearing for the plaintiff stated that the defendant is not contining the business in view of the injunction made.

6.The interim injunction is made absolute. Therefore, no further orders are required in this case.

7.In view of the submission made by the learned counsel for the plaintiff, the suit is disposed of. No orders as to costs.

Sd./-C.V.K.J.

11/03/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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