



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 18TH DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

C.S.(Comm.Div)No.757 of 2002

C.S.(Comm.Div)No.757 of 2002:-

SSS Lungie Company,
49, Mettukadu,
Chinnappanaickenpalayam,
Komrapalayam – 638 183,
Tiruchengodu Taluk,
Nammakal District.

... Plaintiff

Versus

1. SSS Lingam Company,
Rep. by its Partner Mr.P.Babu

2. P.Babu,

3. P.Thangavel,

4. P.Dhakshinamoorthi,

5. Ponnammal,
All are residing at:
6-B, Cauvery Nagar,
Komarapalayam,
Tiruchengode Taluk,
Nammakal District.

... Defendants



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

a. a permanent injunction restraining the Defendants, by itself, its partners, men, servants, agents, distributors, stockists, representatives or any one claiming through them from in any manner passing off and/or enabling others to pass off the Defendants lungies as and for the plaintiff lungies by manufacturing, selling, or offering to sell, distributing, displaying, printing, stocking, using, advertising lungies bearing an almost identical trademark “3 ROSES label” or any other mark deceptively similar to the plaintiff trademarks “3 ROSES label” with identical colour scheme, get up and layout or in any other manner whatsoever;

b. a permanent injunction restraining the defendants, by itself, its partners, men, servants, agents, distributors, stockists, representatives or any one claiming through them from in any manner committing acts of copyright infringement by publishing, manufacturing or using “3 ROSES label” which is a substantial reproduction of plaintiffs “3 ROSES label” in colour scheme, get up and layout or in any other manner whatsoever;

c. a permanent injunction restraining the Defendants, by itself, its partners, men, servants, agents, distributors, stockists, representatives or any one claiming through them from in any manner passing off or enabling others to pass off the defendants business as and for plaintiff business by use of the business name/trading style “SSS



Lingam Company, “SSS Lingayar Company” or any other business name/ trading style similar to plaintiffs business name/ trading style “SSS Lungie Company” or in any other manner whatsoever;

d. The defendants be ordered to surrender to plaintiff for destruction of all labels, dyes, blocks, moulds, screen prints, packing materials and other materials bearing the trademark “3 ROSES label” labels or any mark deceptively similar to plaintiffs trademark and artistic work “3 ROSES label”.

e. a preliminary decree be passed in favour of the Plaintiff directing the defendants to render account of profits made by use of trademark and copyright in the artistic work “3 ROSES label” and a final decree be passed in favour of the plaintiff for the amount of profits thus found to have been made by the defendants after the latter have rendered accounts;

f. The Defendants be ordered and decreed to pay to the plaintiff a sum of Rs.1,00,000/- as damages for acts of passing off and infringement of copyright committed by the Defendants by manufacture and sale of lungies bearing the trademark and artistic work “3 ROSES” label;

g. for costs of the suit;

This suit coming on this day before this court for hearing in the presence of Mr.N.Ramkumar, Advocate for the plaintiff herein and Mr.R.Thiagarajan, Advocate for the defendants herein and upon reading the plaint filed herein and the learned counsel



for the plaintiff having made an endorsement on the plaint stating that “May be permitted to withdraw on the ground that the defendant's product are not present in the market with liberty to file another suit in case if fresh cause of action arises on the same ground”, **it is ordered as follows:-**

That the suit in C.S.(Comm.Div).No.757 of 2002, be and is hereby dismissed as withdrawn.

2.That the connected applications do stand closed.

3.That there shall be no orders as to costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE M.DURAI SWAMY, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 18TH DAY OF NOVEMBER 2021.

Sd./-

ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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



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VSP
18/12/2021

C.S.(Comm.Div)No.757 of
2002

ORDER

DATED :18/11/2021

THE HON'BLE MR.JUSTICE
N.ANAND VENKATESH

FOR APPROVAL:05/01/2022

APPROVED ON:10/01/2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :18.11.2021

Coram:

THE HONOURABLE Mr.JUSTICE N.ANAND VEKATESH

Civil Suit (Comm.Suit) No.757 of 2002

SSS Lungie Company
49, Mettukadu
Chinnappanaickanpalayam
Komarapalayam 638 183
Tiruchengodu Taluk
Namakkal District.

...Plaintiff

/versus/

1.SSS Lingam Company,
Rep.by its Partner
Mr.P.Babu
6-B, Cauvery Nagar
Komarapalayam
Tiruchengodu Taluk
Namakkal District.

2.P.Babu
6-B, Cauvery Nagar
Komarapalayam
Tiruchengodu Taluk
Namakkal District.

3.P.Thangavel
6-B, Cauvery Nagar
Komarapalayam
Tiruchengodu Taluk
Namakkal District.



4.P.Dhankshinamoorthy
6-B, Cauvery Nagar
Komarapalayam
Tiruchengodu Taluk
Namakkal District.

5.Ponnammal
6-B, Cauvery Nagar
Komarapalayam
Tiruchengodu Taluk
Namakkal District.

...Defendants

Prayer: Civil Suit has been filed under Order IV, Rule 1 O.S.Rules and Order VII, Rule 1 of the C.P.C. read with Sections 27, 28, 29, 105, 106 of the Trade and Merchandise Marks Act, 1958 and Sections 52, 55 and 62 of the Copyrights Act, 1957, M praying to pass a judgment and decree for:-

(a) a permanent injunction restraining the Defendants, by itself, its partners, men, servants, agents, distributors, stockists, representatives or any one claiming through them from in any manner passing off and/or enabling others to pass off the Defendants' lungies as and for the plaintiff lungies by manufacturing , selling or offering to sell, distributing, displaying, printing, stocking, using advertising lungies bearing an almost identical trademark “3 ROSES label” or any other mark deceptively similar to the plaintiff trademarks “3 ROSES label” with identical colour scheme, get up and layout or in any other manner whatsoever;

(b) a permanent injunction, restraining the Defendants, by itself, by partners, men,



servants, agents, distributors, stockists, representatives or any one claiming through them from in any manner committing acts of copyright infringement by publishing, manufacturing or using “3 ROSES label” which is a substantial reproduction of plaintiff’s “3 ROSES label” in colour scheme, get up and layout or in any other manner whatsoever;

(c) a permanent injunction, restraining the Defendants, by itself, by partners, men, servants, agents, distributors, stockists, representatives or any one claiming through them from in any manner passing off or enabling others to pass off the defendants business as and for plaintiff business by use of the business name / trading style “SSS Lingam Company”, “SSSS Lingayar Company” or any other business name/trading style similar to plaintiff’s business name/trading style “SSS Lungie Company” or in any other manner whatsoever;

(d) The Defendants be ordered to surrender to Plaintiff for destruction of all labels, dyes, blocks, mould, screen prints, packing materials and other materials bearing the trademark “3 ROSES Label” labels or any mark deceptively similar to plaintiff trademark and artistic work “3 ROSES label”.

(e) a preliminary decree be passed in favour of the Plaintiff directing the Defendant's to render account of profits made by use of trademark and copyright in the artistic work “3 ROSES label” and a final decree be passed in favour of the Plaintiff for the amount of profits thus found to have been made by the Defendants after the latter



have rendered accounts;

(f) The defendants be ordered and decreed to pay to the Plaintiff a sum of Rs.1,00,000/- as damages for acts of passing off and infringement of Copyright committed by the Defendants by manufacture and sale of lunges bearing the trademark and artistic work “3 ROSES” labels;

(g) for costs of the suit ; and

(h) for other relief's.

For Plaintiff : Mr.N.Ram Kumar

For Defendants : Mr.R.Thiagarajan

J U D G M E N T

This suit is dismissed as withdrawn in terms of the endorsement made by the learned counsel for the plaintiff. There shall be no order as to costs. Consequently, the connected applications are closed.

Sd./-N.A.V.J
18.11.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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