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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 2ND DAY OF AUGUST 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

C.S.No.1015 of 2001

And

O.A.Nos.1006 to 1008 of 2001

C.S.No.1015 of 2001 & O.A.No.1006 to 1008 of 2001:-:-

M/s.KWIK PATCH LTD.,
represented by its Authorised Signatory
Muralidhar, General Manager, Pers. & HRD,
67/68, Developed Plots,
Ambattur Industrial Estate,
Chennai-600 058.

..Plaintiff/Applicant in
O.A.Nos.1006 to 1008 of 2001

Versus

Mr.N.R.Rajagopalan, Proprietor,
M/s.Swathi Polymer Products,
B-152, Industrial Estate,
Mettupalayam,
Pondicherry.

...Defendant/Respondent in
O.A.Nos.1006 to 1008 of 2001

C.S.No.1015 of 2001:-

Civil Suit praying that this Hon'ble Court be pleased to grant

(a) A permanent injunction restraining the defendants, their representatives, agents, servants, or any one claiming through them from, in any manner, infringing or violating the Plaintiff's Trade Mark "KWIK" by using the offending Trade Mark label KOOL BOND or any other Trade Mark/Label which is identical, similar or colourable imitation and substantial



(b) Permanent injunction restraining the defendants their men, agents, servants or any one claiming through them from in any manner passing off their goods as that of the Plaintiff's, by using the offending trade mark Label "KOOL BOND" or any other label or device which is similar or deceptively similar to that of the Plaintiff's Trade mark label "KWIK" as and for the Plaintiff's products either by manufacturing or offering for sale or in any manner advertising the same;

c) A Permanent injunction restraining the defendants, their men, agents, servants, or any one claiming through them from, in any manner, infringing the Plaintiff's Copy Right over the Trade Mark "KWIK" either by using the infringing label "KOOL BOND" or any other Trade Mark Label which is identical, similar or colourable and substantial reproduction of the Plaintiff's Copyright in the Trade Mark "KWIK".

d) Directing the defendants to surrender to the Plaintiff the entire stocks, with the Trade Mark label "KOOL BOND" and unused infringing label "KOOL BOND" together with blocks and dies for destruction.

e) Directing the defendants to render a true and faithful account of the Profits earned by them through the sale of their products bearing the Trade Mark label "KOOL BOND" and directing the payment of such profits to the Plaintiffs;



f)Directing the defendants to pay the costs of the suit to the

Plaintiff.

O.A.No.1006 OF 2001:-

Original Application praying that this Hon'ble Court be pleased to grant interim injunction restraining the defendant his representatives, agents, servants, or any one claiming through them from, in any manner, infringing or violating the Plaintiff's Trade Mark "KWIK" by using the offending Trade Mark label KOOL BOND or any other Trade Mark/Label which is identical, similar or colourable imitation and substantial reproduction of the Plaintiff's trade mark label "KWIK" pending disposal of the suit.

O.A.No.1007 OF 2001:-

Original Application praying that this Hon'ble Court be pleased to grant ad interim injunction restraining the defendant his men, agents, servants or any one claiming through them from in any manner passing off their goods as that of the Plaintiff's, by using the offending trade mark Label "KOOL BOND" or any other label or device which is similar or deceptively similar to that of the Plaintiff's Trade mark label "KWIK" as and for the Plaintiff's products either by manufacturing or offering for sale or in any manner advertising the same pending disposal of the suit.



O.A.No.1008 OF 2001:-

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Original Application praying that this Hon'ble Court be pleased to grant ad interim injunction restraining the defendant, his men, agents, servants, or any one claiming through them from, in any manner, infringing the Plaintiff's Copy Right over the Trade Mark "KWIK", either by using the infringing label "KOOL BOND" or any other Trade Mark Label which is identical, similar or colourable and substantial reproduction of the Plaintiff's Copyright in the Trade Mark "KWIK" pending disposal of the suit.

This suit along with there original applications coming on this day before this court for hearing in the presence of Mr.Prasanna venkat for Mr.A.Prabhakara Reddy, Advocates for the plaintiff in C.S.No.1015 of 2001 and for the applicant in O.A.Nos.1006 to 1008 of 2001 and the defendants herein, not appearing in person or by advocate and upon reading the plaint filed herein and the judge's summon and the affidavit of T.Muralidhar filed in O.A.Nos.1006 to 1008 of 2001 and this court having observed that the matter is pending for more than 20 years and the parties are not inclined to pursue the matter, **it is ordered as follows:-**

That the suit in C.S.No.1015 of 2001, be and is hereby dismissed.

2) That these O.A.Nos.1006 to 1008 of 2001, do stand closed.



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

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
2ND DAY OF AUGUST 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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13/08/2021

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C.S.No.1015 of 2001

And

O.A.Nos.1006 to 1008 of 2001

ORDER

DATED: 02.08.2021

THE HON'BLE DR.JUSTICE

G.JAYACHANDRAN

APPROVAL ON: 06.09.2021

APPROVED ON: 07.09.2021