

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.468 of 2008

M/s.Stedman Pharmaceuticals Pvt. Ltd.,
A company registered under the Indian
Companies Act, 1956 and having its
Corporate Office at No.3, Adyar Bridge Road,
Adyar, Chennai – 600 020.

...Plaintiff

Vs.

1.M/s.Lyra Laboratories Pvt. Ltd.,
Baddi-Barotiwalla Road,
Buranwala District,
Salon – 174173.

2.M/s.Rhine Biogenics Pvt. Ltd.,
60, 3rd Main Road,
Kasturba Nagar, Adyar,
Chennai – 600 020.

...Defendants

Prayer: Complaint filed under Order IV Rule 1 of the Original Side Rules r/w.
Order VII Rule 1 of C.P.C., r/w. Section 134 of the Trade Marks Act, 1999,
praying as follows:-

a) granting a permanent injunction restraining the defendants,
their men, servants, agents or anyone claiming through or under them in any
manner infringing the plaintiffs' Trade Mark “Drez” by using the offending
Trade Mark “Redrez” or any other mark or marks which are identical or

similar or in any way deceptively similar to or a colourable imitation of the plaintiffs' Trade Mark "Drez" either by manufacturing or selling or offering for sale or in any manner advertising the same;

b) granting a permanent injunction restraining the defendants, their men, servants, agents or anyone claiming through or under them from in any manner passing off their pharmaceutical products as that of the plaintiff's by using the offending Trade Mark "Redrez" as and for the celebrated pharmaceutical product of the plaintiff's Trade Mark "Drez" or by using any other Trademark which is similar or deceptively similar to that of the plaintiff's said trade mark.

c) directing the defendants to render a true and faithful account of the profits earned by them through the sale of pharmaceutical products bearing the offending trade mark "Redrez" and directing payment of such profits to the plaintiff by way of damages for passing off committed by the defendants.

d) directing the defendants to surrender to the plaintiff the entire stock of unused offending goods with Trade Mark "Redrez" together with cartons, printed aluminium tubes, brochures etc, bearing the offending Trademark for destruction;

e) directing the defendants to pay the plaintiff the costs of the suit and

f) pass such further or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Plaintiff : Mrs.Devi

For Defendants : Mr.R.Sathish Kumar for D2

J U D G M E N T

Parties have settled the dispute amongst themselves and a memorandum of compromise signed by the parties and their respective counsel has been produced.

2.Considering the current situation, the appearance of the parties is dispensed with. The memorandum of compromise is taken on record and this suit is decreed in terms of compromise. The memorandum of compromise shall form part of the decree. No costs.

29.07.2021

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Internet:Yes
Index:No
Non-speaking

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

Nil

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

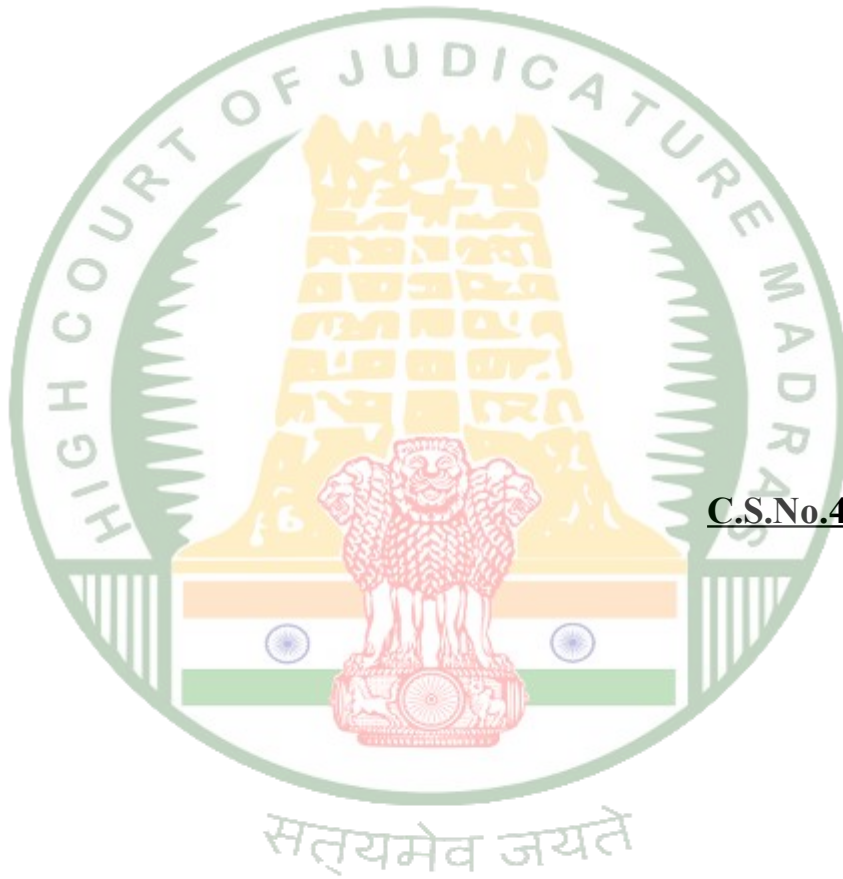
Nil

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R.SUBRAMANIAN, J.

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