



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 27TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S. No.726 of 2004

M/s.Prabha Singh Jaswant Singh,

A partnership firm

No.1 Khan Baoli,

Delhi 110 006.

Represented by its Power of Attorney

Mr.C.Raghu, Advocate

... Plaintiff

Versus

1. B.Mohamed Yousuff,  
Pathirapuliyar Road,  
Palapattu Village 604 302,  
Chendur Post,  
Tindivanam Taluk,  
Tamil Nadu.

2. B.Mohamed Sheriff,  
Pathirapuliyar Road,  
Palapattu Village 604 302,  
Chendur Post,  
Tindivanam Taluk,  
Tamil Nadu.

3. B.Hyder Ali,  
Pathirapuliyar Road,  
Palapattu Village 604 302,  
Chendur Post,  
Tindivanam Taluk,  
Tamil Nadu.

4. Ponnuswamy Gounder,  
137/12 Navidhan Kattu Thottam,  
Periyailiam, Pothiyapalayam Post,



Kangayam Taluk,  
Erode District 638 701.

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5. Asian Exports,  
15 Lake Area,  
6<sup>th</sup> Cross Street,  
Nungambakkam,  
Chennai 600 034.

...Defendants

Civil suit praying that this Hon'ble Court be pleased to pass a  
Judgment and Decree for:-

(a) granting a permanent injunction, restraining the Defendant, by themselves, their servants, agents, distributors, or anyone claiming through them from manufacturing, selling, advertising and offering for sale using the Trade Mark MAHARAJA in relation to rice of any kind and use the mark in invoices, letter heads and visiting cards or by using any other trade mark which is in any way visually, phonetically or deceptively similar to the Plaintiffs Registered Trade Mark MAHARAJA under Registration No.325536 in Class 30 or in any manner infringing the Plaintiffs aforesaid Registered Trade Mark.

(b) granting a permanent injunction, restraining the Respondent, by themselves, their servants, agents, men, or anyone claiming through them from manufacturing, marketing, distributing, offering or advertising for sale rice of any kinds using the Mark MAHARAJA with the device of MAHARAJA, or without the device of MAHARAJA as shown in Document No.10 or similar sounding names or deceptively similar trade mark in the



course of their business and pass off their Rice as and the rice of the Plaintiffs by using the expression MAHARAJA or MAHARAJA with the device of MAHARAJA as shown in Document No.9 or any other trade mark and name which is in any way deceptively similar to the Plaintiffs trade mark MAHARAJA or enable others to pass off.

(c) Directing the Defendant to surrender to the Plaintiffs all the packing material, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery and all other materials containing/bearing the Trade Mark MAHARAJA or other deceptively similar Trade Mark in respect of Rice.

(d) For a preliminary decree in favour of the Plaintiffs, directing the Defendant to render an account of profits made by them by the use of the Trade Mark MAHARAJA in relation to rice and for a final decree in favour of the Plaintiffs for the amount of the profits found to have been made by the Defendants, after the Defendants have rendered accounts.

(e) directing the Defendant to pay to the Plaintiffs the costs of the suit.

This suit coming on this day before this court for hearing in the presence of Ms.Hemalatha for Mr.T.Thangamani, Advocates for the plaintiff herein and Mr.P.Saravana Sowmiyam, Advocate for the defendants herein and upon reading the plaint filed herein and the learned counsel for



a memorandum of compromise dated 17.11.2008 and the learned counsel for the plaintiff herein, who took time to confirm the said statement reports no instructions, and this court doth recording the statement,

**it is ordered as follows:-**

That the suit in C.S.No.726 of 2004, be and is hereby dismissed as settled out of court.

2) That the plaintiff herein, shall be at liberty to seek restoration, if necessary.

3) 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  
27TH 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.)

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



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13/08/2021

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C.S. No.726 of 2004

ORDER

DATED : 27.07.2021

THE HON'BLE MR.JUSTICE  
R.SUBRAMANIAN

FOR APPROVAL: 08.09.2021

APPROVED ON: 13.09.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

**C.S.No.726 of 2004**

M/s.Prabha Singh Jaswant Singh

A partnership firm

No.1 Khan Baoli

Delhi 110 006,

Represented by its Power of Attorney,

Mr.C.Raghu, Advocate

...Plaintiff

Vs.

1.B.Mohamed Yousuff

2.B.Mohamed Sheriff

3.B.Hyder Ali

4.Ponnuswamy Gounder

5.Asian Exports,

15, Lake Area,

6<sup>th</sup> Cross Street,

Nungambakkam,

Chennai – 600 034.

...Defendants

Prayer: Complaint filed under Order IV Rule 1 of the Original Side Rules and Order VII, Rule 1 of the C.P.C., r/w. Section 28, 134 & 135 of the Trade Marks Act, 1999, praying as follows:-

a) granting a permanent injunction, restraining the defendant, by themselves, their servants, agents, distributors, or anyone claiming through them from manufacturing, selling, advertising and offering for sale using the



Trade Mark MAHARAJA in relation to rice of any kind and use the mark in invoices, letter heads and visiting cards or by using any other trade mark which is in any way visually, phonetically or deceptively similar to the plaintiffs registered trade mark MAHARAJA under registration No.325536 in Class 30 or in any manner infringing the plaintiffs aforesaid registered trade mark.

b) granting a permanent injunction, restraining the respondent, by themselves, their servants, agents, men, or anyone claiming through them from manufacturing, marketing, distributing, offering or advertising for sale rice of any kinds using the Mark MAHARAJA with the device of MAHARAJA or without the device of MAHARAJA as shown in Document No.10 or similar sounding names or deceptively similar trade mark in the course of their business and pass off their Rice as and for the rice of the plaintiffs by using the expression MAHARAJA or MAHARAJA with the device of MAHARAJA as shown in Document No.9 or any other trade mark and name which is in any way deceptively similar to the plaintiffs trade mark MAHARAJA or enable others to pass off.

c) directing the defendant to surrender to the plaintiffs all the packing material, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery and all other materials containing / bearing the Trade Mark MAHARAJA or other deceptively similar Trade Mark in respect of Rice.

d) for a preliminary decree in favour of the plaintiffs, directing the defendant to render an account of profits made by them by the use of the Trade Mark MAHARAJA in relation to rice and for a final decree in favour of the plaintiffs for the amount of the profits found to have been made by the defendants, after the defendants have rendered accounts.



e) directing the defendant to pay to the plaintiffs the costs of the suit,  
and

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

For Plaintiff : Ms.Hemalatha for

Mr.T.Thangamani

For Defendants : Mr.P.Saravana Sowmiyam

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

Mr.P.Saravana Sowmiyan, learned counsel appearing for the defendants would submit that the matter has been settled by way of a memorandum of compromise dated 17.11.2008.

2.Ms.Hemalatha, who took time to confirm the said statement reports no instructions.

3.The statement of the learned counsel appearing for the defendant is recorded and this suit is dismissed as settled out of Court. No costs. Liberty is reserved to the plaintiff to seek restoration, if necessary.

Sd./-R.S.M.J  
27.07.2021





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

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

Nil

Sd./-R.S.M.J  
27.07.2021

//Certified to be true copy//

Dated at Madras this the      day of      2021.

COURT OFFICER(O.S.)

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