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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.1017 of 2005

C.S.No.1017 of 2005:-

Mr. V.Gunsekar, Proprietor,
M/s.Krishna Sanitaryware,
No.3/9, Sri Devi Apartments,
Lakshmikanthan Street,
T.Nagar, Chennai-600 017.

... Plaintiff

Versus

1. B.Gopi,
No.14, Thamarai Street,
K.K.Nagar,
Peerankaranai,
Chennai – 63.

2. Veerappan,
No.14, Thamarai Street,
K.K.Nagar,
Peerankaranai,
Chennai – 63 .

... Defendants

Civil Suit praying that this Hon'ble Court be pleased to judgment and
decree:

a) Granting Permanent Injunction restraining the defendants from
infringing copyright in the registered design of the plaintiff under design
registration No.186171.



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b) Granting Permanent injunction restraining the defendants from using the offending trade mark VLS for the polymer coated wash basin bracket which is similar and identical to the trade mark VGS of the plaintiff.

c) Granting permanent injunction restraining the defendants from infringing the copyright in the carton for marketing the polymer coated wash basin bracket of the plaintiff by using an identical carton as that of the plaintiff.

d) Granting Permanent injunction restraining the defendants from passing off the wash basin bracket as and for those of the plaintiff.

(e) Directing the defendants to render a true and faithful account of the profits earned by them through the sale of polymer coated wash basin bracket and directing the payment of such profits to the plaintiff by way of damages committed by the defendants.

(f) Directing the defendants to surrender to the plaintiff the entire stock of polymer coated wash basin bracket with the Trade mark VLS together with cartons printing blocks, containers, boxes etc., bearing offending for destruction;

(g) directing the defendants to pay to the plaintiff the costs of the suit.

This suit coming on this day before this court for hearing in the



Mr. Anil Kumar, Advocate for the 1st defendant herein and upon reading the plaint filed herein and the learned counsel for the plaintiff submitted that his attempts to contact the plaintiff have failed, he would also submit that it appears that the plaintiff is not carrying on business in the said address, and this court doth recording the same, **it is ordered as follows:-**

That the suit in C.S.1017 of 2005, be and is hereby dismissed for non-prosecution.

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 OF MADRAS AFORESAID, THIS
DATED 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.)

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25/08/2021

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C.S.No.1017 of 2005

ORDER

DATED :27/07/2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 16/09/2021

APPROVED ON: 17/09/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.1017 of 2005

V.Gunasekar, Proprietor,
M/s. Krishna Sanitaryware,
No.3/9, Sri Devi Apartments,
Lakshmikanthan Street, T.Nagar,
Chennai 600 017.

... Plaintiff

Versus

1. B.Gopi

2. Veerappan

... Defendants

Plaint filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of C.P.C. Sections 22 of the Designs Act, 2000 and Section 134 & 135 of the Trade Marks Act 1999 and Section 55 & 62 of the Copy Rights Act 1957, praying to pass a judgment and decree:-

a) Granting Permanent Injunction restraining the defendants from infringing copyright in the registered design of the plaintiff under design registration No.186171;

b) Granting Permanent injunction restraining the defendants from using the offending trade mark VLS for the polymer



coated wash basin bracket which is similar and identical to the trade mark VGS of the plaintiff;

- c) Granting permanent injunction restraining the defendants from infringing the copyright in the carton for marketing the polymer coated wash basin bracket of the plaintiff by using an identical carton as that of the plaintiff;
- d) Granting permanent injunction restraining the defendants from passing off the wash basin bracket as and for those of the plaintiff;
- e) directing the defendants to render a true and faithful account of the profits earned by them through the sale of polymer coated wash basin bracket and directing the payment of such profits to the plaintiff by way of damages committed by the defendants.
- f) Directing the defendants to surrender to the plaintiff the entire stock of polymer coated wash basin bracket with the Trade Mark VLS together with cartons printing blocks, containers, boxes etc. bearing the offending for destruction;
- g) directing the defendants to pay to the plaintiff the costs of the suit.



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For Plaintiff : Mr.Prassanna Venkat

For Defendants : Mr. Anil Kumar, for D1

J U D G M E N T

Mr.Prassanna Venkat, learned counsel appearing for the plaintiff would submit that his attempts to contact the plaintiff have failed. He would also submit that it appears that the plaintiff is not carrying on business in the said address. Recording the said statement, the suit is dismissed for non-prosecution. Leaving it open to the plaintiff to seek restoration, if necessary. No costs.

Sd./-R.S.M.J

27.07.2021

List of the witnesses examined on the side of the plaintiff: Nil.**List of Exhibits marked on the side of the plaintiff:** Nil.**List of the witnesses examined on the side of the defendants:** Nil.**List of Exhibits marked 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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