



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 30th DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

C.S.No.208 of 2020

(Comm. Suit)

and

O.A.No.371 of 2020

Jeeva & Co.

Having registered office at,
No 40-42, East Veli street,
Madurai-01.

...Plaintiff/Applicant

-Versus-

Mrs.Mohan Meena Arunraj
Proprietress/Partner,
AMSAVALLI BHAVAN,
U-75, 5th Main road, U Block,
Anna Nagar West, Chennai-600 101.

...Defendant/Respondent

C.S.No.208 of 2020(Comm. Suit):-

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

(a) Perpetual injunction restraining the defendants by themselves, their
directors, assigns, servants, agents, distributors, stockists, dealers, legal



heirs, representatives or any person/entity claiming through or under them from using, advertising, offering for sale, offering service, hosting website etc thereby passing off or enabling others to pass off or cause or assist others to pass off the defendant's goods/services as and for the plaintiff's goods/services by use of the trademark/corporate name "AMSAVALLI BHAVAN" or any other mark similar to that of the plaintiff's trademark/corporate name in any manner whatsoever;

(b) Surrender and destruction upon oath of all name boards, sign boards, bill books, visiting cards, pamphlets, brochures, any advertising materials, products, packaging materials, cartons, labels, blocks, dyes, plates, moulds and other materials bearing the impugned mark/corporate name "AMSAVALLI BHAVAN" or any other mark identical or deceptively similar to that of the plaintiff's corporate name "AMSAVALLI BHAVAN" which is in possession, power and custody of the defendant;

(c) A preliminary decree be passed in favour of the plaintiff to render true and faithful accounts of profits earned by the defendants by establishing unauthorised companies under the name "AMSAVALLI BHAVAN" and a final decree be passed in favour of the plaintiffs for the amount of profits, thus found to have been made by the defendants after the latter have rendered accounts;

(d) The defendants be ordered to pay a sum of 2,000/- as liquidated



damages for committing acts of passing off;

(e) Directing the Defendant to pay to the Plaintiff the costs of the suit;

O.A.No.371 of 2020:-

Original Application praying that this Hon'ble Court be pleased to grant interim injunction restraining the respondent/defendant by itself, its agents, servants or any one claiming through it from in any manner passing off the Applicant's trademark "AMSAVALLI BHAVAN", by using it as the respondent's trademark or any other mark or marks which are in any way identical to the applicant's trade mark.

This Suit alongwith the application coming on this day before this Court for hearing and the plaintiff herein, not appearing in person or by advocate and upon reading the plaint filed herein and the order dated 23.04.2020 made in O.A.No.371 of 2020 and this Court gave a final chance to the learned counsel for the plaintiff to take steps to file an application for substituted service, till today, the application has not been filed, it is ordered as follows:-

That the suit in C.S.No.208 of 2020, be and is hereby dismissed for



2) That the O.A.No.371 of 2020 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 MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 30th 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.)

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08.12.2021

09.12.2021

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C.S.No.208 of 2020
(Comm. Suit)
and
O.A.No.371 of 2020

ORDER

DATED :30.11.2021

THE HON'BLE MR.JUSTICE
N.ANAND VENKATESH

FOR APPROVAL : 28.12.2021

APPROVED ON : 10.01.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.11.2021

Coram:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Suit No.208 of 2020

(Comm. Suit)

and

O.A.No.371 of 2020

Jeeva & Co,
Having registered office at,
No.40-42, East Veli Street,
Madurai-01.

.. Plaintiff

/versus/

Mohan Meena Arunraj
Proprietress/Partner,
AMSAVALLI BHAVAN,
U-75, 5th Main Road, U Block,
Anna Nagar West, Chennai 600 101.

..Defendant

Prayer:

Civil Suit has been filed under Order VII, Rule 1 of the Code of Civil Procedure, 1908 read with Order IV, Rule 1 of the High Court O.S. Rules and Sections 27, 134 and 135 of the Trademarks Act, 1999 and with Section 7 of the Commercial Courts, Commercial Appellate Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015

praying to pass a judgment and decree for:-

(a) Perpetual injunction restraining the defendants by themselves,



their directors, assigns, servants, agents, distributors, stockists, dealers, legal heirs, representatives or any person/entity claiming through or under them from using, advertising, offering for sale, offering service, hosting website etc., thereby passing off or enabling others to pass off or cause or assist others to pass off the defendant's goods/services as and for the plaintiff's goods/services by use of the trademark/corporate name “AMSAVALLI BHAVAN” or any other mark similar to that of the plaintiff's trademark/corporate name in any manner whatsoever;

(b) Surrender and destruction upon oath of all name boards, sign boards, bill books, visiting cards, pamphlets, brochures, any advertising materials, products, packaging materials, cartons, labels, blocks, dyes, plates, moulds and other materials bearing the impugned mark/corporate name “AMSAVALLI BHAVAN” or any other mark identical or deceptively similar to that of the plaintiff's corporate name “AMSAVALLI BHAVAN” which is in possession, power and custody of the defendant;

(c) A preliminary decree by passed in favour of the plaintiff to render true and faithful accounts of profits earned by the defendants by establishing unauthorised companies under the name “AMSAVALLI BHAVAN” and a final decree be passed in favour of the plaintiffs for the amount of profits, thus found to have been made by the defendants after the latter have



(d) The defendants be ordered to pay a sum of 2,000/- as liquidated damages for committing acts of passing off;

(e) directing the defendant to pay to the plaintiffs the costs of the suit.

For Plaintiff : No appearance

J U D G M E N T

When the matter came up for hearing on 16.11.2021, this Court gave a final chance to the learned counsel for the plaintiff to take steps to file an application for substituted service. Till today, the application has not been filed.

2. In view of the same, this Civil Suit is dismissed for default. Consequently, connected original application is closed. There shall be no order as to costs.

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

30.11.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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