



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 23<sup>rd</sup> DAY OF JULY 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

A. No.1832 of 2020

in

C.S. No.203 of 2020

Manohar Singh,  
Proprietor trading as M/s Singh Mehendi Industries,  
#160, 10<sup>th</sup> Block,  
Above Annapoorneshwari Nagar Police Station,  
Service Road, Outer Ring Road,  
Nagarbhavi 2<sup>nd</sup> Stage,  
Bengaluru – 560 072.

... Applicant/Plaintiff

-Versus-

1. Vimal Sehnaaz (India),  
Samdar Castle, Flat No G-2, Plot No.5,  
Chinnammal Nagar, Puzhuthivakkam,  
Chennai – 600 091.
2. Golecha Henna World,  
Samdar Castle, Flat No G-2, Plot No.5,  
Chinnammal Nagar, Puzhuthivakkam,  
Chennai – 600 091.
3. Kalu Singh Rathore,  
Proprietor trading as M/s Aditya Raj Mehendi Product,  
House No.11, Raj Hans Colony,  
Brahmapuri, Jaipur – 302 002,  
Rajasthan.



4. Manak Fancy,  
356 Mint Street, Sowcarpet,  
Chennai – 600 079.
5. Bharat Trading Co.  
# Shop No.6,7, #11-42-29/30,  
Rathi Towers, Ramgopal Street,  
Vijayawada – 520001,  
Andhra Pradesh.
6. Ranawat Mehendi Industries  
H-101, IIIrd Phase, Industrial Area,  
Sojat, Rajasthan 306104.
7. Radha Madhav Agency,  
Pandey Hatta Chauraha, Raiganj South,  
Post-Gita Press District – Gorkhpur,  
Uttar Pradesh – 273005.
8. Shree Radha Rani Enterprises,  
9/37, Shakuntla Complex Kanwari Ganj,  
Aligar, Uttar Pradesh – 202 001.
9. Kamal Traders,  
225, Rama Krishna Market,  
Khanda Choti Choppar,  
Rajasthan, 302001.
10. GD Enterprises,  
Near UCO Bank, Sundar Das Marg,  
Jhunjhunu, Rajasthan 303303.
11. Nagpal Enterprises,  
Shop No.21A, 1<sup>st</sup> Floor, Sadar Bazar,  
Sadar Bazar Road, Sri Ganga Nagar,  
Rajasthan 335001.
12. Himanshu Traders,  
Old Anaj Mandi, Bandikui,  
Rajasthan, 303313.



13. Amar Agencies,  
Ward No.15, Girl School Road,  
Bandikui Teh Baswa,  
Rajasthan 303313.
14. Aaditya Traders,  
Bandikui Road, 2<sup>nd</sup> Floor,  
Near UCO Bank, Sikandra, Sikrai,  
Jhunjhunu, Rajasthan 303326.
15. Vishvanath Sanjay Kumar,  
Naman Tower, 2<sup>nd</sup> Floor,  
Near UCO Bank,  
Rani Sati Road, Jhunjhunu,  
Rajasthan – 333001.
16. Vikas Novelty,  
Sedhi Complex, 1<sup>st</sup> Floor,  
Purohitji Ka Katla,  
Near Badi Choupad, Jaipur – 302 002.
17. Mehendi House,  
Ward No.6, Opposite Old Telephone  
Exchange Sadulsahar,  
Sri Ganganagar, Rajasthan 335062. ... Respondents/Defendants

A. No.1832 of 2020:-

Application praying that this Hon'ble Court be pleased to grant an interim order directing the Respondents/Defendants to preserve any/all materials bearing the offending packaging and trademark and appointing and authorising a Court Commissioner to visit the premises of the Respondents/Defendants at the addresses stated in the cause title and any other addresses or premises anywhere wherein the Respondents'/

Defendants' products bearing the offending packaging and trademark and/or



any other places wherein the products bearing the offending packaging and trademark itself are manufactured, assembled, packed, stored, displayed sold in wholesale or retail, printed and/or transported and inspect and seize any/all such materials bearing the offending packaging and trademark with the assistance of the local police authorities if necessary, and make the same available for production in evidence before this Hon'ble court in due course pending the disposal of the above suit and an ad interim injunction pending the disposal of the present application.

This Application coming on this day before this court for hearing in the presence of Mr.Rajeev Kumar Jain for M/s.Pushpa Menon, Advocates for the applicant herein, and Ms.R.Priya Kumar, advocate for the 3<sup>rd</sup> respondent herein and upon reading the order dated 25.02.2021 made in O.A.Nos.359 to 362 of 2020 and A.Nos.1832, 1833 of 2020 and 423 to 425 of 2021 and the order dated 01.04.2021 made in O.A.No.359 to 362 of 2020 and A.Nos.423 to 425 of 2021 and the learned counsel for the third defendant having submitted that after the interim injunction granted by this Court, they are manufacturing any products infringing the Plaintiff's trademark or copyright hence, the third defendant has intent to file intra Court Appeal and therefore, no order need to be passed in the application for appointing Advocate Commissioner and, it is ordered as follows:-



That the respondents/defendants herein, be and are hereby directed to render accounts every month in respect of manufacturing and sale of the product if any which carry the alleged infringed trademark and copyright.

2. That the C.S.No.203 of 2020 be posted on 25.08.2021 for further proceedings.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,  
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS  
THE 23<sup>rd</sup> 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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A. No.1832 of 2020  
in  
C.S. No.203 of 2020

ORDER

DATED :23.07.2021

THE HON'BLE DR.JUSTICE  
G.JAYACHANDRAN

FOR APPROVAL: 13.08.2021

APPROVED ON: 17.08.2021



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any other places wherein the products bearing the offending packaging and trademark itself are manufactured, assembled, packed, stored, displayed sold in wholesale or retail, printed and/or transported and inspect and seize any/all such materials bearing the offending packaging and trademark with the assistance of the local police authorities if necessary, and make the same available for production in evidence before this Hon'ble court in due course pending the disposal of the above suit and an ad interim injunction pending the disposal of the present application.

This Application coming on this day before this court for hearing the court made the following order:

The suit is filed alleging infringement of mark “BANSURI” by the defendants. From the plaint, this Court finds that the infringed product is manufactured by the third defendant and marketed by the other defendants.

2.The plaintiff has taken out Application No.1832 of 2020 seeking appointment of an Advocate Commissioner to visit the premises of the respondents/defendants to take inventory and seize the infringed products.

3. Learned counsel for the third defendant submitted that after the interim injunction granted by this Court, they are manufacturing any products infringing the plaintiff's trademark or copyright. Hence, the third



defendant has intent to file intra Court Appeal and therefore, no order need to be passed in the application for appointing Advocate Commissioner.

4. This Court, after considering the averments and rival submissions made by the parties is of the opinion that it is suffice to direct the respondents/defendants to render accounts every month in respect of manufacturing and sale of the product if any which carry the alleged infringed trademark and copyright. Accordingly, A.No.1832 of 2020 is disposed of.

Call the suit on 25.08.2021 for further proceedings.

Sd./-G.J.J  
23.07.2021

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Dated at Madras this the                      day of                      2021.

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