



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 09TH DAY OF SEPTEMBER 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

C.S.No.297 of 2016

Mohan Breweries and Distilleries Limited,
Represented by its Chief Financial Officer,
3rd Floor, South Indian Film Chamber
of Commerce, No.605 & 606,
T.R.Sundaram Avenue,
Thousand Lights, Chennai 600 006.

... Plaintiff

-Versus-

M/s Dhanalakshmi Bottles Supplies,
No.66/139, Appu Chetty Street,
Shevapet,
Salem – 636 002.

... Defendants

C.S.No. 297 of 2016

Civil Suit praying that this Hon'ble Court be pleased to grant:

a) A permanent injunction restraining the Defendant by themselves, or their men, servants, agents, promoters, representatives stockist's, retailers or anyone claiming through them form in any manner using the plaintiffs bottle bearing the registered design which are further embossed with the Plaintiff's said logo and registered trade mark.

b) A preliminary decree be passed in favour of the Plaintiffs



directing the Defendant to render the details of sum made by Defendant by infringing and sell the Plaintiff's bottle bearing the registered design and trademark and a final decree be passed in favour of the Plaintiff for such amounts thus found to have been made by the Defendant after the latter have rendered accounts;

c) A direction to the Defendant to return back to the Plaintiff the existing stock of bottles and not further sell any bottles, bearing the Plaintiff's logo, registered design and trade mark to third parties other than the Plaintiff.

d) A direction directing the defendant to pay a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) as damages for loss suffered by the Plaintiff on account of the defendant's acts of infringement of design, Trademark and copyright committed by selling their product in the plaintiff's bottle bearing the registered design which are further embossed with the plaintiff's said logo and registered trademark.

This civil suit through video conferencing coming on this day before this court for hearing in the presence of Mr.S.Anand, Advocate for the defendant herein and the plaintiff herein, not appearing in person or by an Advocate and upon reading the Plaint and the Memo of the defendant dated 05.08.2021 filed herein and this court finds from the memo and the



the suit is filed for injunction alleging infringement of registered design, it is a relief in personal, the cause of action itself dies with the person, further, the learned counsel, appearing for defendant submitted that the deceased defendant ceased to carry on business long time and there is no concern by the name of Dhanalakshmi Bottles supplies exist, against whom, the suit has been filed and **it is ordered as follow:-**

2) That the suit in C.S.No. 297 of 2016, be and is hereby dismissed

3) That there shall be no order as to costs in this suit.

WITNESS, THE HON'BLE MR.JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT OF MADRAS AFORESAID, THIS THE
09TH DAY OF SEPTEMBER 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/Decrees in this format.



NS
12.10.2021
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C.S.No. 297 of 2016

DECREE
DATED 09/09/2021

THE HON'BLE DR.JUSTICE
G.JAYACHANDRAN

FOR APPROVAL: 21/10/2021

APPROVED ON: 25/10/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM:

THE HON'BLE MR.JUSTICE Dr.G.JAYACHANDRAN

C.S.No.297 of 2016

Mohan Breweries and Distilleries Limited,
Represented by its Chief Financial Officer,
3rd Floor, South Indian Film Chamber
of Commerce, No.605 & 606,
T.R.Sundaram Avenue,
Thousand Lights, Chennai 600 006.

... Plaintiff

Versus

M/s Dhanalakshmi Bottles Supplies,
No.66/139, Appu Chetty Street,
Shevapet,
Salem – 636 002.

... Defendant

PRAYER: Civil Suit filed under Order IV Rule 1 of the Madras Original Side Rules and Order VII, Rule 1 of CPC read with Sections 27,28,29 and 134 of the Trade Marks Act, 1999 and Sections 51, 55 and 62 of the Copyright Act, 1957 and Sections 11 and 22 of the Designs Act 2000, praying to grant :-

a) A permanent injunction restraining the Defendant by themselves, or their men, servants, agents, promoters, representatives stockist's, retailers or anyone claiming them form



in any manner using the plaintiffs bottle bearing the registered design which are further embossed with the Plaintiff's said logo and registered trade mark.

b) A preliminary decree be passed in favour of the Plaintiffs directing the Defendant to render the details of sum made by Defendant by infringing and sell the Plaintiff's bottle bearing the registered design and trademark and a final decree be passed in favour of the Plaintiff for such amounts thus found to have been made by the Defendant after the latter have rendered accounts;

c) A direction to the Defendant to return back to the Plaintiff the existing stock of bottles and not further sell any bottles, bearing the Plaintiff's logo, registered design and trade mark to third parties other than the Plaintiff.

d) A direction directing the defendant to pay a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) as damages for loss suffered by the Plaintiff on account of the defendant's acts of infringement of design, Trademark and copyright committed by selling their product in the plaintiff's bottle bearing the registered design which are further embossed with the plaintiff's said logo

and registered trademark.



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For Plaintiff : No Appearance

For Defendant : Mr.S.Anand

ORDER

(This case has been heard through video conference)

No representation for the plaintiff for the past three hearings. However, when the matter was taken up for hearing on 09.08.2021, the learned counsel for the sole defendant filed a memo reporting the death of sole defendant. This Court finds from the memo and the death certificate enclosed that the sole defendant died on 15.05.2021. The suit is filed for injunction alleging infringement of registered design. It is a relief in persona, the cause of action itself dies with the person. Further, the learned counsel appearing for defendant submitted that the deceased defendant ceased to carry on business long time and there is no concern by the name of Dhanalakshmi Bottles Supplies exist, against whom, the suit has been filed.

2. In the light of the above fact, the Suit is dismissed. No order as to costs.

Sd/- G.J.J.
09/09/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)