

C.S.No.7 of 2021
and O.A.Nos.370 & 371 of 2021
& A.Nos.2171 & 2172 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.S(Comm.Div.).No.7 of 2021

and

O.A.Nos.370 & 371 of 2021
and A.Nos.2171 & 2172 of 2021

Hatsun Agro Product Ltd.,
Having registered office at
No.1/20-A, Rajiv Gandhi Salai (OMR),
Karapakkam, Chennai-600 097

Also carrying on its business at
Old No.AD-83/New No.AD13,
Anna Nagar, Opp:IOB Towers Branch,
Chennai-600 040.

Represented by its Authorized Signatory.

... Plaintiff

Vs.

M/s.Mettu Vaishno Shree,
Sole Proprietor of
M/s.VS Agro Foods,
2nd Floor, 1-6-287/A/38/1,
Kaladharnagar Colony,
Musheerabad,
Hyderabad-500 020.

... Defendant

Prayer: The Civil Suit has been filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of C.P.C, and Sections 134 & 135 of Trade Marks Act 1999 and Section 7 of the Commercial Courts Act, 2015, praying for

(a). For a permanent injunction restraining the defendant, by herself, her heirs, legal representatives, successors-in-business, agents, servant, distributors or any one claiming through her from in any manner infringing the plaintiff's registered trademark AROKYA by using the mark AROGYA-AMRUTH or any other deceptively similar mark in any manner whatsoever causing infringement to the plaintiff's registered trademark as described in the schedule to the plaint;

(b). For a permanent injunction restraining the defendant, by herself, her heirs, legal representatives, successors-in-business, agents, servant, distributors or any one claiming through them from in any manner whatsoever from passing off and enabling others to pass off the defendant's business as that of the plaintiff's by using the mark AROGYA-AMRUTH or any other mark which is deceptively similar or identical to the plaintiff's trademark AROKYA in any manner whatsoever;

(c). Directing the defendant to surrender to the plaintiff all the products and stocks with the offending labels, together with the blocks, dies,

name boards, sign boards, etc., for destruction;

(d). Directing the defendant to render true and faithful accounts of the profits earned by them through the sale of the products bearing the offending trademark labels and directing payment of such profits to the plaintiff;

(e). Directing to the defendant to pay to the plaintiff a sum of Rs.1,00,000/- as damages for committing acts of infringement of trademark and passing off.

For Plaintiff : Mr.Prashant Alaiter

For Defendant : Mr.Rahul M.Shankhar

J U D G M E N T

(Case has been heard through video conference)

The parties have entered into a compromise and had filed a memo of compromise reducing the terms of compromise in the memo dated 05.10.2021.

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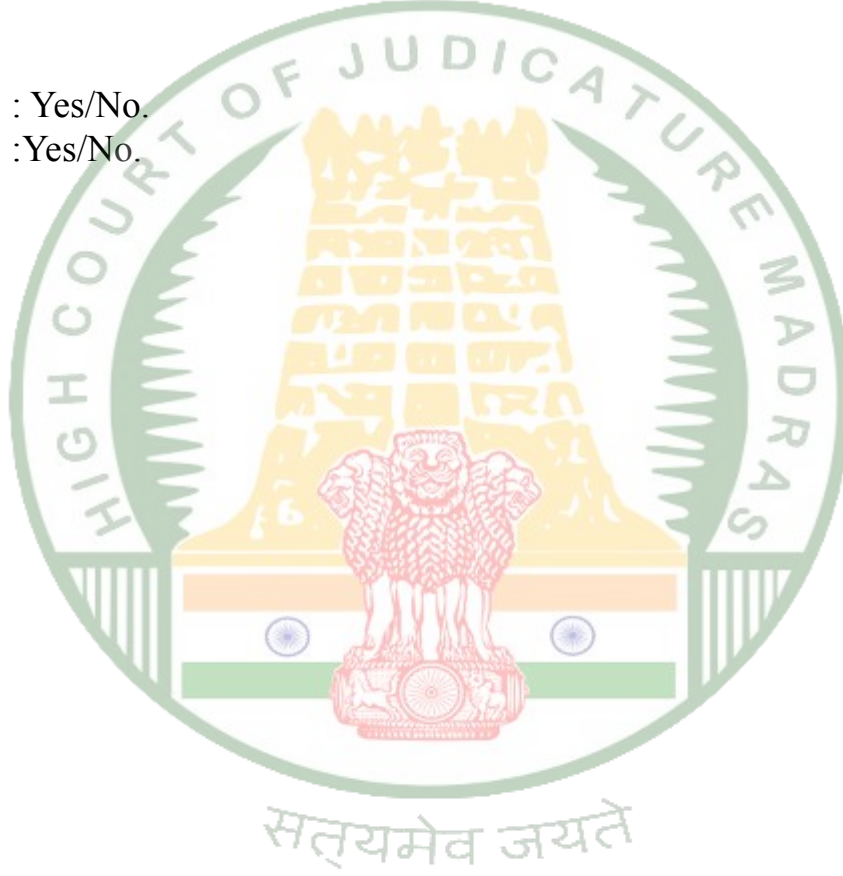
2. In view of the memo of compromise dated 05.10.2021 filed by the parties, the suit is decreed in terms of compromise memo. The memo of

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compromise shall form part of the decree. Consequently, all the connected applications are closed. No order as to costs.

05.10.2021

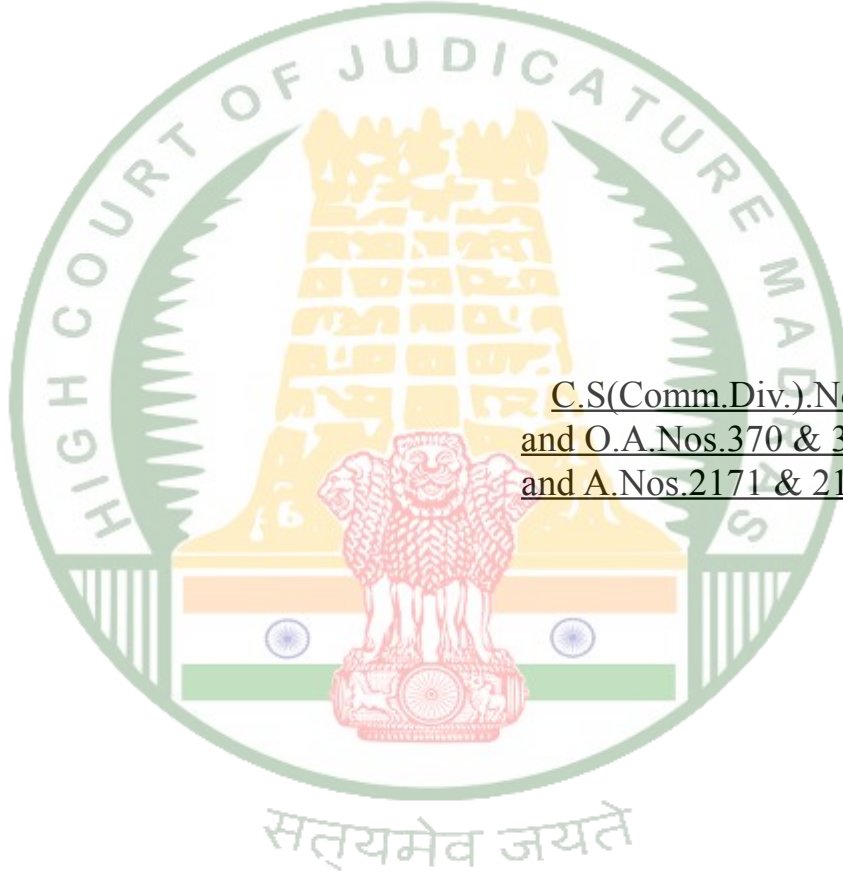
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DR.G.JAYACHANDRAN, J.
rpl



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