



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 14TH DAY OF SEPTEMBER 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

C.S.No.476 of 2016

C.S.No.476 of 2016:-

M/s.Store N.Move P Ltd.,
1/68, Plot No.2 &3,
S.A.Complex,
Bangalore High Road,
Mambakkam Village,
Sriperumpudur Taluk,
Kancheepuram District,
Tamil Nadu.
Represented by its Director
Mr.YSP Balraj

2. YSP Balraj,
Director,
S/o.Y.Selvaraj,
M/s.Store N Move P Ltd.,
D.No.5/62, Pannur,
Thiruppanthiur,
Tiruvallur District,
Tamil Nadu – 602 108.

... Plaintiffs

Versus

1. M/s.Olog Logistics Pvt Ltd.,
53, No.HIG-1,Main Road,
Nolambur, Mogapair West,
Chennai – 600 037.

2. Mr.Devaraj Vasanth Immanuel
No.HIG-1, Main Road,
Nolambur, Mogapair West,
Chennai – 600 037.



3. Pannerselvam Jayendran,
L/17-F, Bharathidasan Colony,
K.K.Nagar, Chennai- 600 078.

... Defendants

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

a. For permanent injunction restraining the Defendants, their men, agents or anyone claiming under them or through them from in any manner infringing the First Plaintiff's copyright over computer Application "OLOG" for hiring trucks and logistic management by using the said computer programme or any other computer programmes which is substantial reproduction of the First Plaintiff's computer programme in the Application "OLOG".

b. For permanent injunction restraining the Defendants herein their men, agents or servants or anyone claiming under them or through them from in any manner passing off their services as that of the 1st plaintiff company by using the computer application "OLOG" or any other computer application which is similar or identical to that of the Plaintiff's computer application "OLOG".

c. For permanent injunction restraining the Defendants herein their men, agents or servants or anyone claiming under them or through them from in any manner using "OLOG" or any other name word or mark which



is identical or similar or deceptively similar to the 1st plaintiff's trademark “OLOG” as part of the name of the 1st defendant company.

d. For permanent injunction restraining the Defendants their men, agents or servants or any one claiming through them from in any manner passing off its services as that of the 1st plaintiff by using the trademark “OLOG” or any other mark or label which is similar or deceptively similar to that of the Plaintiff's trademark “OLOG”.

e. Directing the Defendants to surrender to the Plaintiff entire offending goods, OLOG APP software, name boards, sign-boards, brochures with offending mark “OLOG” etc., for destruction.

f. Directing the Defendants to render true and faithful account of the profits earned by it using the offending computer Application “OLOG” App and the trademark “OLOG” and pay such profits to the Plaintiff as damages.

g. Directing the Defendant to pay to the plaintiff the cost of the suit.

This Civil Suit coming on this day before this court for hearing in the presence of Mr.Saravanan for M/s.Iyer & Thomas, Advocates for the plaintiffs herein and Mr.C.Suraj for Mr.J.Chellakumar, Advocates for the defendants 1 to 3 herein and upon reading the plaint filed herein and the memo filed by the plaintiffs dated 13.09.2021 and this court doth recording the same and **it is ordered as follows:-**



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(i) That the suit in C.S.No.476 of 2016 be and hereby is dismissed with liberty to prosecute C.P.No.4 of 2016 pending against the defendant and others before the Hon'ble NCLT Chennai Bench.

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

MEMO



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VSP

11/10/2021

C.S.No.476 of 2016

ORDER

DATED : 14.09.2021

THE HON'BLE DR.JUSTICE
G.JAYACHANDRAN

FOR APPROVAL:21/10/2021

APPROVED ON:27/10/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2021

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.S. No. 476 of 2016

1.M/s Store N Move Pvt. Ltd.,
1/68, Plot No.2 & 3, S.A.Complex,
Bangalore High Road,
Mambakkam Village,
SRIPERUMPUDUR TALUK,
KANCHEEPURAM DISTRICT,
TAMIL NADU. Represented by its Director
Mr. YSP Balraj

2.YSP Balraj
Director
Son of Y.Selvaraj
M/s Store N Move Pvt. Ltd.,
D.No.5/62, Pannur,
Thiruppanthiur,
Tiruvallur District,
TamilNadu- 602 108.

...Plaintiffs

Vs

1.M/s Olog Logistics Pvt. Ltd.,
53, No.HIG-1, Main Road,
Nolambur, Mogapair West,
Chennai- 600 037.
2.Mr.Devaraj Vasanth Immanuel
No.HIG-1, Main Road,
Nolambur,
Mogapair West, Chennai- 600 037.

3.Pannerselvam Jayendran,
L/17-E, Bharathidasan Colony,
K.K.Nagar, Chennai- 600 078.

...Defendants



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Prayer: Plaintiff filed under order VII Rule 1 of CPC Read with order IV Rule 1 of High Court O.S. Rules and Sections 27,28,29 and 134 of the Trade Marks Act,1999 and Section 55 of the Copyright Act 1957 is praying to pass a judgment and decree:

a. For permanent injunction restraining the Defendants, their men, agents or anyone claiming under them or through them from in any manner infringing the First Plaintiffs copyright over Computer Application “OLOG” for hiring trucks and logistic management by using the said computer programme or any other computer programmes which is substantial reproduction of the First Plaintiffs computer programme in the Application “OLOG”.

b. For permanent injunction restraining the Defendants herein their men, agents or servants or anyone claiming under them or through them from in any manner passing off their services as that of the 1st plaintiff Company by using the Computer Application “OLOG” or any other computer application which is similar or identical to that of the plaintiff's computer application “OLOG”.



c. For permanent injunction restraining the Defendants herein their men, agents or servants or anyone claiming under them or through them from in any manner using “OLOG” or any other name word or mark which is identical or similar or deceptively similar to the 1st plaintiff's trademark “OLOG” as part of the name of the 1st defendant Company.

d. For permanent injunction restraining the Defendants their men, agents or servants or any one claiming through them from in any manner passing off its services as that of the 1st plaintiff by using the trademark “OLOG” or any other mark or label which is similar or deceptively similar to that of the Plaintiff's trademark “OLOG”.

e. Directing the Defendants to surrender to the Plaintiff entire offending goods, OLOG App software, name boards, sign-boards, brochures with offending mark “OLOG” etc., for destruction.

f. Directing the Defendants to render true and faithful account of the profits earned by it using the offending Computer Application “OLOG” App and the trademark “OLOG” and pay such profits to the Plaintiff as damages.

g. Directing the Defendant to pay to the Plaintiff the cost of the suit.



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For Plaintiffs : Mr.Saravanan
for M/s. Iyer Thomas
For Defendants : Mr.C.Suraj
for Mr.J.Chellakumar

J U D G M E N T

Learned counsel for the plaintiff had filed memo stating that he is withdrawing the present suit without prejudice to their right to prosecute C.P.No.4 of 2016 pending against the defendant and others before the Hon'ble NCLT, Chennai Bench. Recording the said memo, the suit is dismissed with liberty as mentioned above. No order as to costs.

Sd./-G.J.J
14.09.2021

//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.