

C.S.No.332 of 2020
and O.A.Nos.627 & 628 of 2020
and A.Nos.2807 & 2808 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.04.2021

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.S.No.332 of 2020
and
O.A.Nos.627 & 628 of 2020
and
A.Nos.2807 & 2808 of 2020

Cavinkare Pvt.Limited,
No.12, Poonthamallee Road,
Ekkatuthangal,
Chennai-600 032
Rep.by its Dy.General Manager,
Legal & Secretarial, R.Thazhalan

.. Plaintiff

/versus/

M.Gopi, trading as Kamakshi Dairy Fresh
(amended as per order dated 22.02.2021 in A.No.631 of 2021)
No.10, Post Office Street,
Sholinghur Taluk,
Ranipet District-631 102.

.. Defendant

This Civil Suit is filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 of CPC, and Sections 27, 28, 29, 134 & 135 of the Trademarks Act, 1999, prayed for (a) a permanent injunction restraining the Defendant, by himself, his men, servants, agents,

distributors, stockists, representatives or any one claiming through or under them from in any manner infringing the plaintiff's registered trademark CAVIN'S under No.1763281 in class 29 and other trademarks by using a deceptively similar trademark KOWINS or any other trademark deceptively similar to the plaintiff's registered trademark or in any other manner whatsoever;

(b) a permanent injunction restraining the Defendant, by himself, his men, servants, agents, distributors, stockists, representatives or any one claiming through or under them from in any manner passing off and/or enabling others to pass off the Defendants' products under the trademark KOWINS as and for the plaintiff's products by manufacturing, selling, or offering to sell, distributing, displaying, printing, stocking, using, advertising their products with a trademark KOWINS or any other trademark which is identical or similar to the plaintiff's trademark CAVIN'S or in any other manner whatsoever;

(c) the Defendant be ordered to surrender to plaintiff's for destruction of all products, labels, cartons, dyes, blocks, moulds, screen prints, packing materials and other materials bearing the trademark KOWINS or any mark deceptively similar to plaintiff's registered trademark CAVIN'S;

(d) a preliminary decree be passed in favour of the Plaintiff's

directing the Defendant to render account of profits made by use of trademark KOWINS and a final decree be passed in favour of the Plaintiff for the amount of profits thus found to have been made by the Defendant after the latter have rendered accounts;

(e) for costs of the suit; and

For plaintiff : Mr.R.Sathish Kumar

For Defendant : Mr.V.Vargees Amal Raja

JUDGMENT

The suit is filed by the plaintiff seeking injunction from infringement of trademark.

2. After notice, the parties have arrived at a settlement and filed joint memo of compromise dated 13.03.2021.

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3. In view of the settlement arrived between the parties out of Court, the suit is decreed in terms of compromise. The joint memo of compromise shall form part of the decree. Consequently, connected

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applications are also closed. No costs.

30.04.2021

Speaking Order / Non-Speaking Order
Index : yes/no
rpl

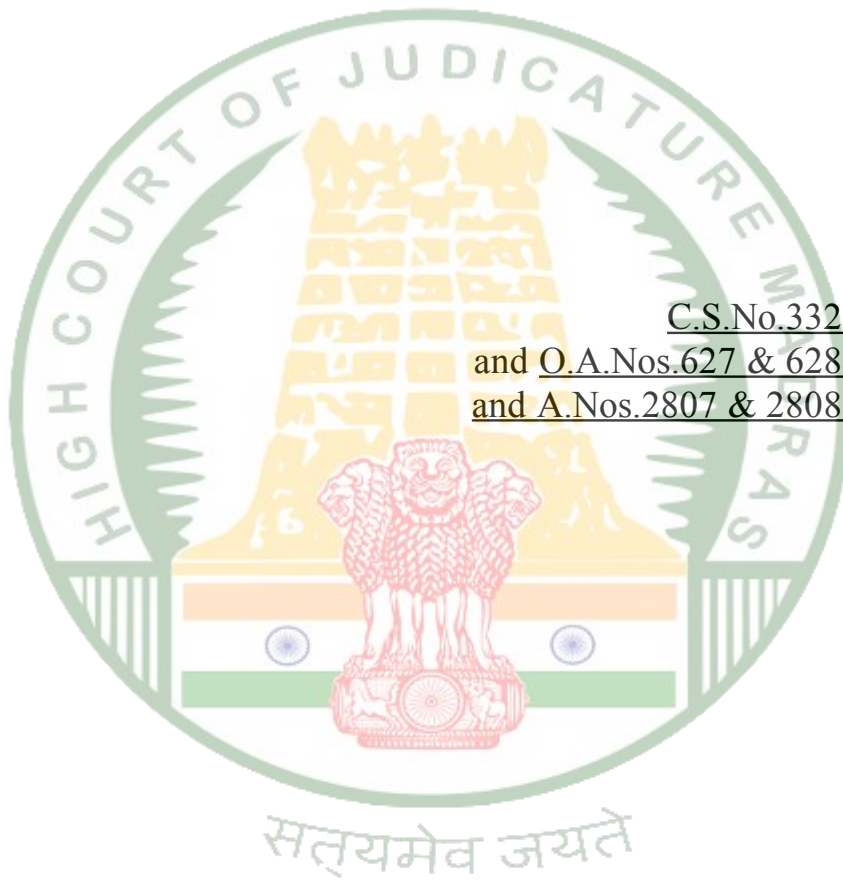


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Dr.G.JAYACHANDRAN,J.

rpl

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