

A.No.3280 of 2021,
O.A.Nos.216 and 217 of 2021,
A.Nos.2542 and 2543 of 2021
in
C.S. No.141 of 2021

DR.G.JAYACHANDRAN, J.

The suit is for infringement filed by the applicant herein against the defendant for imitating the registered trademark of the plaintiff viz., “GRT”. Hence, the specific case of the plaintiff/applicant is that the defendant/respondent has slavishly imitated the trademark of the plaintiff “GRT” for their textile business, which is carried out by the defendant in the very same street, where the plaintiff is carrying on his jewellery business.

2.This Court being prima facie convinced that there is patent infringement of the plaintiff's trademark, granted ad interim injunction on 23.04.2021. Despite notice and intimation of the interim order, the respondent/defendant has not entered appearance and also not removed the infringed mark. Hence, the present application is filed by the plaintiff to appoint an Advocate Commissioner enabling him to inspect the premises of the respondent/defendant and file a status report regarding the operation of the respondent, use of the infringed trademark

“GRT” by the respondent for his business.

3. On going through the common affidavit by the applicant/plaintiff, this Court is of the view fact that despite an interim injunction granted against the respondent/defendant, it appears that he has not restrained himself from using the infringed mark “GRT” for his textile business. The applicant/plaintiff has already taken out application under Order XXXIX Rule 2A for breach of the interim order, which is pending. In the said circumstances, even to adjudicate Application Nos. 2542 and 2543 of 2021, filed for taking action against the respondent for wilful disobedience of the interim order, a report from an Advocate Commissioner is essential. Since the defendant is abstaining from appear before this Court, **Mr. R. Kamesh Kumar, Advocate**, having office address at **No. 10, 3rd Floor, Catholic Centre, Aremnian Street, Chennai 600 104, Cell No. 98403 25371, email: kameshwar29@gmail.com**, is appointed as Advocate Commissioner to inspect the respondent premises and file a status report regarding the operation of the respondent/defendant in the name of “Kancheepuram GRT Silks”.

4.The Commissioner shall submit his report on 26.10.2021. The initial remuneration of the Advocate Commissioner is fixed as **Rs.50,000/- (Rupees Fifty Thousand only)** payable directly to the Advocate Commissioner by the plaintiff. The interim order of injunction granted in O.A.Nos.216 and 217 of 2021 dated 23.04.2021 is extended until further orders.

5. Registry shall print the name of the defendant and post the matter on **26.10.2021**.



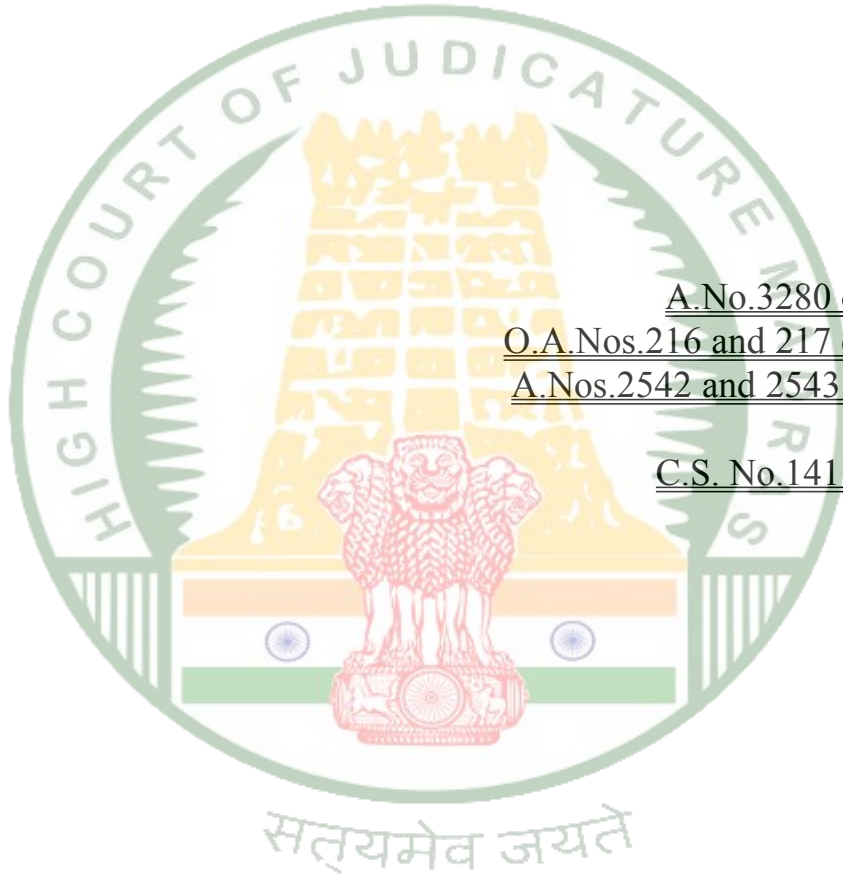
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