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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 6TH DAY OF DECEMBER 2021

THE HON'BLE JUSTICE N. ANAND VENKATESH

O.A. Nos.1101 & 1102 of 2018

and

C.S. No.795 of 2018

(Comm.Suit)

ITC Limited,
No.760, Anna Salai,
Chennai-600 002
rep. by its Constituted Attorney,
Mr.P.Ramkumar

...Plaintiff/Applicant
(in O.A. Nos.1101 & 1102 of 2018)

-Versus-

1. Thathireddy Indra Reddy,
Plot No.65, Vorla Shankaramma Colony,
Kapra, Secunderabad,
Telangana-500 062.

2. P.Anjaneyullu,
H. No.4-190/31,
Near 5th Avenue Baklery,
Bhaskara Rao Nagar,
Sainikpuri, Hyderabad,
Telangana-500 094.



3. Rahul Mishra,
14-3, Everest Nagar,
Ward No.3, Khalwara,
Katni, Madhya Pradesh-483 501

....Defendants/Respondent
(in O.A. Nos.1101 & 1102 of 2018)

C.S. No.795 of 2018 (Comm.Suit)

Civil suit praying that this Hon'ble court be pleased to grant a judgment and decree on the following terms:-

a. A permanent injunction restraining the Defendants No. 1-6, themselves, its proprietor/directors/partners and other unknown persons as the case may be, successors-in-business, servants, agents, distributors, dealers, stockists, shop keepers, wholesalers, retailers, representatives, assigns and all other persons claiming through or under them from infringing the registered trademark AASHIRVAAD of the Plaintiff by manufacturing, selling and/or distributing atta/flour products under identical mark AASHIRVAAD or any other similar or identical mark and in any other manner whatsoever;

b. a permanent injunction restraining the Defendants No. 1-6, themselves, its proprietor/directors/partners and other unknown persons as the case may be, successors-in-business, servants, agents, distributors, dealers, stockists, shop keepers, wholesalers, retailers, representatives, assigns and all other persons claiming through

or under them from manufacturing, selling, offering for sale and/or distributing



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atta/flour products which would amount to passing off their flour products / food products as and for the Plaintiff's flour products by using an identical artistic work or any other trade mark / trade dress deceptively similar to the Plaintiff's AASHIRVAAD SUPERIOR MP ATTA Package in get up, lay out and arrangement of features or in any other manner whatsoever;

c. a permanent injunction restraining the Defendants No. 1-6, themselves, its proprietor/directors/partners and other unknown persons as the case may be, successors-in-business, servants, agents, distributors, dealers, stockists, shop keepers, wholesalers, retailers, representatives, assigns and all other persons claiming through or under them from manufacturing, selling, and/or distributing atta/flour products under identical mark/ label from committing acts of copyright infringement by copying the plaintiff's copyright in the artistic work of AASHIRVAAD SUPERIOR MP ATTA package labels by use of an identical labels, colour scheme, get up and placement of features or any other label similar or identical thereto and in any other manner whatsoever;

d. The Defendants be ordered to surrender to the Plaintiff for destruction all labels, cartons, containers, packaging materials, blocks, dyes, prints, screen prints, notices, pamphlets, advertisements, hoardings, and other promotional materials



bearing the mark and packaging/label which is identical to the Plaintiff's registered trademark AASHIRVAAD and the Plaintiff's AASHIRVAAD SUPERIOR MP ATTA label;

e. The Defendants be ordered to pay to the Plaintiff a sum of Rs. 10,00,000/- as damages for committing acts of infringement of trademark, infringement of copyright and passing off;

f. a preliminary decree be passed in favour of the Plaintiff directing the Defendants to render true and faithful account of profits earned by them by use of the Impugned Packages and final decree be passed in favour of the Plaintiff for the amount of profits thus found to have been made by the Defendants, after the latter have rendered accounts;

g. for entire costs of the suit.

O.A. No.1101 of 2018:-

Original Application praying that this Hon'ble Court be pleased to grant interim injunction restraining the respondents, by themselves, their partners/proprietors, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, representatives or any of them from in any manner infringing the



applicant's copyright in the artistic works AASHIRVAAD SUPERIOR MP ATTA label by use of an identical AASHIRVAAD SUPERIOR MP ATTA label bearing the almost identical artistic work, which is a slavish imitation of the applicant's said artistic works or in any other manner whatsoever, pending disposal of the suit.

O.A. No.1102 of 2018:-

Original Application praying that this Hon'ble Court be pleased to grant an interim injunction restraining the respondents, by themselves, their partners/proprietors, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, representatives or any of them from in any manner infringing the applicant's registered trademarks 'AASHIRVAAD' by manufacturing, selling and/or distributing spurious atta under an identical trademark 'AASHIRVAAD' or any other deceptively similar mark in any manner whatsoever, pending disposal of the suit.

These Original Applications coming on this day before this court for hearing, the court made the following order:-

<https://hcservices.ecourts.gov.in/courtview> This court had already extended the interim orders until further orders by an



order dated 17.12.2018.

2. In View of the same, these applications are disposed of.

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Sd/-NAVJ

06.12.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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PS 14/12/2021