



IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 07th DAY OF APRIL 2022

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.458 of 1996

MRF Limited
124, Greams Road,
Madras - 600 006.

... Plaintiff

Vs.

1. M.S.Trading Co.
Babari Mandi,
Aligarh - 202 001.

2. Mohamed Suleiman
Proprietor,
M.S.Trading Co.
Babari Mandi,
Aligarh - 202 001.

3. Gupta Lock & Hardware Agency,
113 A, Manohardas Katra,
Calcutta - 7

... Defendants

Civil Suit praying that this Hon'ble Court be pleased to pass

judgement and decree:-

a) granting a permanent injunction restraining the defendants, by

themselves or through their servants, agents, representatives or any one

claiming through them from reproducing, publishing, printing or causing to



publish or using in any manner or in any material form on any goods, the impugned artistic work as shown in Document No.2 or any other artistic work which contains a reproduction of the whole or any portion of the plaintiff's MRF Connected Letter Device artistic work as displayed in Document No.1 and / or in any manner infringing the Copyright of the plaintiff in the artistic work as shown in Document No.1.

b) granting a permanent injunction restraining the defendants and their servants, agents, representatives or any one claiming through them from manufacturing, selling, offering for sale or advertising for sale their Iron Aldrop Door Bolts and other goods, using in connection with the goods of the plaintiff's trademark MRF and / or the trade mark device shown in Document No.2 or any other trade mark, which is identical with or deceptively similar to the plaintiff's trade marks 'MRF' or the MRF Connected Letter Device trade mark (shown in Document No.1) and passing off or enabling others to pass off the defendant's goods as and for those of the plaintiff's.

c) for mandatory injunction directing the defendants to surrender to the plaintiff, all representations in any material form and all their Door Bolts and other goods, packaging materials, cartons, sales promotion material,



advertising material and hoardings, letter heads, visiting cards, office stationery and all other materials containing / bearing the trade mark MRF and / or the trade mark / artistic work as shown in Document No.2 to the plaintiff for destruction.

d) for a preliminary decree in favour of the plaintiff, directing the defendants to render an account of profits made by them by the use of the trade mark MRF and the trade mark / artistic work shown in Document No.2 on Door Bolts or on any of their goods or in any other manner and a final decree in favour of the plaintiff for the amount of the profit found to have been made by the defendants after the defendants have rendered accounts.

e) directing the defendants to pay to the plaintiff the costs of the suit.

This Civil Suit coming on this day before this court for hearing in the presence of Mr.C.Daniel, advocate for the Plaintiff herein and upon reading the plaint filed herein and the suit in C.S.No.458 of 1996 having been dismissed for non prosecution against the 3rd defendant vide order dated 15.10.1997, and the learned counsel for the plaintiff having submitted that the defendants have stopped using the plaintiff's trademark, and at present, they are not carrying on any business by using the plaintiff's trademark,



It is ordered as follows:-

That the suit in C.S.No.458 of 1996 be and is hereby disposed of with liberty to the plaintiff to file a fresh suit against the defendants in the event the defendants continue to infringe the plaintiff's trademark.

2. That there shall be no costs of this suit.

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 07th DAY OF APRIL 2022.

Sd./-

ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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07.06.2022

C.S. No.458 of 1996

ORDER

DATED : 07.04.2022

THE HON'BLE MRS.JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL: 07.06.2022

APPROVED ON: 7.6.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.458 of 1996

MRF Limited
124, Greams Road,
Madras - 600 006.

... Plaintiff

Vs.

1. M.S.Trading Co.
Babari Mandi,
Aligarh - 202 001.

2. Mohamed Suleiman
Proprietor,
M.S.Trading Co.
Babari Mandi,
Aligarh - 202 001.

3. Gupta Lock & Hardware Agency,
113 A, Manohardas Katra,
Calcutta - 7

... Defendants

Plaint filed under Order IV Rule 1 of O.S. Rules and Sections 27, 105
& 106 of the Trade and Merchandise Marks Act, 1958 and Sections 55 & 62
of the Copy Right Act 1957, praying for a judgment and decree as follows :

a) granting a permanent injunction restraining the defendants, by

<https://hcservices.ecourts.gov.in/hcservices/>

themselves or through their servants, agents, representatives or any one



claiming through them from reproducing, publishing, printing or causing to publish or using in any manner or in any material form on any goods, the impugned artistic work as shown in Document No.2 or any other artistic work which contains a reproduction of the whole or any portion of the plaintiff's MRF Connected Letter Device artistic work as displayed in Document No.1 and / or in any manner infringing the Copyright of the plaintiff in the artistic work as shown in Document No.1.

b) granting a permanent injunction restraining the defendants and their servants, agents, representatives or any one claiming through them from manufacturing, selling, offering for sale or advertising for sale their Iron Aldrop Door Bolts and other goods, using in connection with the goods of the plaintiff's trademark MRF and / or the trade mark device shown in Document No.2 or any other trade mark, which is identical with or deceptively similar to the plaintiff's trade marks 'MRF' or the MRF Connected Letter Device trade mark (shown in Document No.1) and passing off or enabling others to pass off the defendant's goods as and for those of the plaintiff's.

c) for mandatory injunction directing the defendants to surrender to

the plaintiff, all representations in any material form and all their Door Bolts



and other goods, packaging, materials, cartons, sales promotion material, advertising material and hoardings, letter heads, visiting cards, office stationery and all other materials containing / bearing the trade mark MRF and / or the trade mark / artistic work as shown in Document No.2 to the plaintiff for destruction.

d) for a preliminary decree in favour of the plaintiff, directing the defendants to render an account of profits made by them by the use of the trade mark MRF and the trade mark / artistic work shown in Document No.2 on Door Bolts or on any of their goods or in any other manner and a final decree in favour of the plaintiff for the amount of the profit found to have been made by the defendants after the defendants have rendered accounts.

e) directing the defendants to pay to the plaintiff the costs of the suit.

For Plaintiff : Mr.C.Daniel

D1 & D2 - Unserved

D3 - Dismissed for Non Prosecution
on 15.10.1997

JUDGMENT

The learned counsel appearing for the plaintiff would submit that the defendants have stopped using the plaintiff's trademark, and at present, they are not carrying on any business by using the plaintiff's trademark.



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2. In view of the submission made by the learned counsel for the plaintiff, this Civil Suit is disposed of with liberty to the plaintiff to file a fresh suit against the defendants in the event the defendants continue to infringe the plaintiff's trademark. No costs.

Sd./-V.B.S.J
07.04.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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