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A.Nos.54, 55 of 2022
and A.Nos.3098, 4288, 4289 of 2021
and A.No.3399 of 2022
in C.S.No.285 of 2020

SENTHILKUMAR RAMAMOORTHY, J.

Both parties report that the efforts at settlement did not fructify. Therefore, they state that the pending applications should be taken up for hearing.

2. As regards A.Nos.54, 55 of 2022, learned counsel for the defendant states that the defendant has completely stopped using the impugned label. Learned counsel for the plaintiff concurs with the said submission. Accordingly, nothing survives for consideration in A.Nos.54, 55 of 2022, and the same are closed.

3. A.No.3098 of 2021 is filed for permission to exhibit the additional documents described in the Judge's summons. Learned counsel for the plaintiff states that these documents are invoices relating to the sale of the plaintiff's product during specific assessment years. In addition, ledgers in respect of several assessment years have been produced. Learned counsel for the defendant states that he has no objection to this application being allowed. The suit is at the pre trial state. In the circumstances, reasonable cause is shown and A.No.3098 of 2021 is allowed subject to the right of the defendant to file an affidavit of admission / denial in respect of these additional documents and also raise objections in course of trial *inter alia* on the grounds of admissibility, relevance and proof.



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4. A.No.3399 of 2022 is filed seeking an amendment to paragraph 7 of the plaint by inserting rows 7 and 8 therein as indicated in the Judge's summons. In addition, the plaintiff seeks to amend the cause of action paragraph and insert an additional prayer. All these amendments are pursuant to the registrations obtained by the plaintiff from the trademark registry after the institution of the suit. These registrations take effect from the date of the respective application and pre-date the institution of the suit. Consequently, these amendments are liable to be allowed. Accordingly, A.No.3399 of 2022 is allowed as prayed for. As a corollary, the plaintiff is permitted to carry out the amendments in the plaint on or before 02.09.2022. Upon carrying out the amendments, a copy of the amended plaint shall be served on learned counsel for the defendant within a week thereafter. The defendant is permitted to file an additional written statement in response to the amended plaint within a period of **three weeks** from the date of service of a copy of the amended plaint.

5. List A.Nos.4288 and 4289 of 2021 on 09.09.2022.

23.08.2022

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