



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 10th DAY OF FEBRUARY 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.411 of 2000

MRF Limited,
124, Greams Road,
Chennai - 600 006

...Plaintiff

VS

1. M/s. Dima Electrical Industries,
29A/1A, Kalimmuding Sarkar Lane,
Calcutta - 700 010.

2. Mr. Ranjan Dey,
M/s. Dima Electrical Industries,
29A/1A, Kalimmudin Sarkar Lane,
Calcutta - 700 010.

...Defendants

Civil Suit praying that this Hon'ble Court be pleased to pass a judgment and decree:-

a) Granting a permanent injunction restraining the Defendants and their dealers, agents, representatives or any one claiming through them, from manufacturing, selling, advertising or offering for sale, electrical bulbs and other goods using the trade mark ZIGMA or any other trade mark which is identical or deceptively similar to the Plaintiff's trade mark ZIGMA and



passing off or enabling others to pass off the goods of the Defendants as and for those of the Plaintiff.

b) For mandatory injunction directing the Defendants to surrender to the Plaintiff, for destruction, all their electrical bulbs, cartons, packages and other goods, sales promotion and advertising material packaging, stationery and all other materials/ objects containing/ bearing the trade mark ZIGMA.

c) For a preliminary decree in favour of the Plaintiff directing the Defendants to render an account of the profits made by them by the use of the trade mark ZIGMA on electrical bulbs or on any of their goods 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.

d) Directing the Defendants to pay to the Plaintiff the costs of the Suit.

This suit coming on this day before this Court for hearing in the presence of Mr.Jacob Kurian, Advocate for the Plaintiff herein and the defendants herein, not appearing in person or by advocate and upon reading the plaint filed herein and memo dated 10.02.2022 filed herein, to that effect, **it is ordered as follows:-**



WEB COPY That the suit in C.S.No.411 of 2000, be and is hereby dismissed as withdrawn.

2) That the plaintiff herein, shall be at liberty to file a fresh suit as and when fresh cause of action arises.

3) That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 10th DAY OF FEBRUARY 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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ARS
25.02.2022

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C.S.No.411 of 2000

ORDER

DATED : 10.02.2022

THE HON'BLE MRS. JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL: 28.02.2022

APPROVED ON : 01.03.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2022

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.411 of 2000

MRF Limited
124, Greams Road,
Chennai – 600 0006

... Plaintiff

Vs.

1. M/s Dima Electrical Industries,
29A/1A, Kalimudding Sarkar Lane,
Calcutta – 700 010
2. Mr.Ranjan Dey
M/s Dima Electrical Industries,
29A/1A, Kalimmudin Sarkar Lane,
Calcutt – 700 010

...Defendants

Civil Suit filed under Section 151 C.P.C and Order VII Rule 1 of
C.P.C read with Order IV Rule 1 O.S.Rules and Sections 27, 105 and 106 of
the Trade and Merchandise Marks Act, 1958 praying for the following
Judgment and Decree against the defendants:



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a) To grant a permanent injunction restraining the defendants and their dealers, agents, representatives or any one claiming through them, from manufacturing, selling, advertising or offering for sale, electrical bulbs and other goods using the trade mark ZIGMA or any other trade mark which is identical or deceptively similar to the plaintiff's trade mark ZIGMA and passing off or enabling others to pass off the goods of the defendants as and for those of the plaintiff.

b) To grant mandatory injunction directing the defendants to surrender to the plaintiff for destruction, all their electrical bulbs, cartons, packages and other goods, sales promotion and advertising material packaging, stationery and all other materials / objects containing / bearing the trade mark ZIGMA.

c) For a preliminary decree in favour of the plaintiff directing the defendants to render an account of the profits made by them by the use of the trade mark ZIGMA on electrical bulbs or on any of their goods 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.

d) Directing the defendants to pay to the plaintiff the costs of the



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For Appellant : Mr. Jacob Kurian

For Defendants : Name printed in cause list;

No appearance

J U D G M E N T

The learned counsel for the plaintiff has filed a memo on behalf of the plaintiff stating that the defendants have ceased their operations completely and their whereabouts are not known. Therefore, sought permission of this Court to withdraw the present suit with liberty to institute a fresh suit against the defendants, if the defendants are recommencing their infringing activity, as a fresh cause of action.

2. On verification of the documents placed on record it could be seen that though paper publication was effected in the 'Statesman' of Calcutta Edition as early as in the year 2000 and names have been printed in the cause list, there is no representation on behalf of the defendants either-in-person or through learned counsel.



by the learned counsel for the plaintiff, the present Civil Suit is hereby dismissed as withdrawn with liberty to file a fresh suit as and when fresh cause of action arises. No costs.

Sd./-V.B.S.J.
10.02.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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