



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 23RD DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.1810 of 2022

in

C.S.(Comm.Div) No. 58 of 2021

Mr. G. Bhaskar
Rep by its Proprietor,
Chennai Angadi
Having office at Old No:8, New No:15,
Ground Floor, Muthu Street,
Mylapore, Landmark : Sri Varasiddhi
Vinayagar Alayam,
Chennai - 600 004.

...Applicant/Plaintiff

-Vs-

Chennai Angadi, A unit of Vamshree Enterprises
Registered office at No: 894,
Munusamy Salai, K.K.Nagar West,
Landmark: Opp Yes Bank
Chennai, Tamilnadu - 600 078.

And also,

Manufacturing and Branch office address at:
Chennai One IT-Special Economic Zone,
Pallavaram, Thoraipakam, 200 Ft Road,
Chennai, Tamilnadu - 600 096

Rep by Mr.Vamshee Bharani,

Managing Director of Vamshree Enterprises ...Respondent/Defendant

Original Application praying that this Hon'ble Court be pleased to

award exemplary additional cost of Rs.5 Lakhs for filing a false affidavit by

the defendant before this Hon'ble Court.



This Application coming on this day before this court for hearing, the court made the following order:-

The defendant filed an affidavit dated 15.12.2021. The said affidavit was affirmed by Vamshee Bharani, the Managing Partner of the defendant. In the said affidavit, the defendant stated that he had closed two shops at K.K.Nagar and Pallavaram, respectively, in August 2021 and March 2020 respectively. It was further stated therein that he has not sold any products using online platforms, including mobile applications and websites. In effect, the statement of the defendant is that the impugned mark is not being used.

2. The applicant / plaintiff has presented this application for awarding exemplary costs of Rs.5,00,000/- for filing a false affidavit. In support of the said application, the applicant has filed the printout of the Goods and Services Tax Registration in the name of Vamshee Enterprises. On the basis of the said document, the applicant states that the defendant is continuing to use the infringing mark. In support of this contention, the applicant relies on the Central Goods and Services Tax Rules 2017 and, in particular, Rule 19 thereof.

3. The scope of the suit is limited to alleged trademark infringement and passing off by use of marks that are identical to or deceptively similar to the plaintiff's trademark, Chennaiangadi. As such, the conduct of business



by the defendant under the name Vamshee Enterprises is irrelevant.

Therefore, A.No.1810 of 2022 is dismissed.

Sd./-SKRJ.

23/06/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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EVK 30/06/2022