



*O.A. Nos. 606 & 607 of 2021
&
Application No. 3523 of 2021
in
C.S.(Comm.Div.) No. 66 of 2021*

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M. SUNDAR,J.

This common order will now dispose of the captioned three applications.

2. In this order, parties shall be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

3. To be noted, sole plaintiff is the sole applicant in all three captioned applications and the lone defendant is the lone respondent in all three captioned applications.



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4. The main suit has been filed inter alia under the Trademarks Act, 1999 with prayers for permanent injunctions qua registered trademark of plaintiff (alleging infringement) together with the usual prayer for surrender of offending material, accounts and damages. To be noted, the usual residuary limb of the prayer also forms part of the prayer.

5. This order has to be read in conjunction with and in continuation of separate proceedings made in the main suit today, which reads as follows:

"In these proceedings, parties are referred to by their respective ranks in the main suit for the sake of convenience and clarity.

2. Ms.Y.K.Ishwarya, learned counsel for M/s. Surana & Surana (Law Firm) for the sole plaintiff and Mr.N.R. Srinath, learned counsel for the sole defendant are before this Commercial Division.

3. Both learned counsel submit that trial is underway before the learned Additional Master – I. To be noted, this Commercial Division is informed that P.W.1 (Mr. P. Sivasakthivel) on behalf of the plaintiff company is now in the witness box.



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4. Learned counsel for plaintiff submits that she needs to file an application for receiving additional documents. To be noted, 20 documents have been filed along with the plaint besides one material object.

5. List the matter three weeks hence i.e, on 31.10.2022."

6. The aforementioned proceedings is a tell-tale qua trajectory the main suit has taken and the stage of the main suit. There are no interim orders in the captioned two original applications and no orders have been made in the captioned application for appointment of Advocate Commissioner. Therefore, no useful purpose would be served by keeping the captioned applications pending at this distant point of time i.e, when the main suit is at an advanced stage of trial.

7. Captioned applications are therefore disposed of as closed preserving the rights of the plaintiff to come up with similar/same prayers if



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it becomes expedient owing to subsequent developments. There shall be no order as to costs.

10.10.2022

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