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A.No.6005 of 2022

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in
C.S.(COMM DIV).No.249 of 2022

C.SARAVANAN, J.

This application has been filed for appointment of Advocate Commissioner, to visit the premises of the respondent / defendant, their godowns, warehouses and the premises of their stockists, distributors, clearing and forwarding, agents, transporters or wherever the goods are found, break open the locks if the premises are found locked, secure the services of police authorities if necessary, seize and take into actual physical custody.

2. Considering the fact that the respondent / defendant is indulging in the infringement of the plaintiff's / applicant's Trade Mark, Mr.T.A.Shagul Hameed, learned Counsel is appointed as an Advocate Commissioner to inspect and seize the packing materials in the shops / godown of the respondent / defendant. The details of the Advocate Commissioner is as under:-

Mr.T.A.Shagul Hameed,
Enroll No.Ms.110/1994,
Chamber at No.419, New Additional Law Chambers,
High Court Buildings, Chennai – 600 104.



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3. Registry is directed to issue a warrant to the Advocate Commissioner.

4. The Advocate Commissioner shall execute the warrant on 07.01.2023 and 08.01.2023 after giving due notice to the respondent / defendant. The learned Advocate Commissioner shall take inventory of stock of the rice packs bearing offending trade mark MSN SIVAJI BRAND and seize the packing materials alone after emptying the content to the respondent / defendant. The packing materials shall be properly accounted for and sealed in a cover and kept at the plaintiff's godown / storage room for production during the trial. The learned Advocate Commissioner shall file a report to that effect on 12.1.2023.

5. The learned Advocate Commissioner is at liberty to take the assistance of local police, if required, for executing the warrant. After execution of warrant, the learned Advocate Commissioner shall return it back to this Court.



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6. The applicant/plaintiff is directed to pay a sum of Rs.25,000/- towards initial remuneration to the learned Advocate Commissioner. That apart, all the expenses in connection with the execution of warrant and transportation of the seized packing materials including the lodging, boarding and conveyance of the Advocate Commissioner shall be borne by the applicant / plaintiff.

7. Accordingly, this Application is ordered as above.

23.12.2022
(3/3)

rgm / jen

Issue Order Copy on 05.01.2023.



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