



WEB COPY

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 12TH DAY OF APRIL 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.557 of 1997

Indcon Structurals Pvt.Ltd.
161, Greams Road,
Chennai- 600 006

..Plaintiff

vs

1.Unicon Tiles,
99F, I Floor,
Mc.Nichols Road,
Chetput,
Chennai- 600 031

2.Jayaraman
99F, I Floor,
Mc.Nichols Road,
Chetput,
Chennai- 600 031

3.D.Bhaskaran,
99F, I Floor,
Mc.Nichols Road,
Chetput,
Chennai- 600 031

4.Mohammed Masood
99F, I Floor,
Mc.Nichols Road,
Chetput,
Chennai- 600 031

5.Syed Akbar Hussain
99F, I Floor,



Mc.Nichols Road,
Chetput,
Chennai- 600 031

6. Mohammed Sheriff
99F, I Floor,
Mc.Nichols Road,
Chetput,
Chennai- 600 031

7.A.Surendar Babu,
99F, I Floor,
Mc.Nichols Road,
Chetput,
Chennai- 600 031

..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, their men, servants, agents,or any one claiming through them from in any manner infringing the plaintiff's registered and well established trade mark EUROCON by using the offending trading style UNICON TILES and or in any other manner adopting the offending trade mark UNICON or any other mark or marks identical with or deceptively similar to or a colorable imitation of the registered trade mark of the plaintiff for the tiles of the defendants either by manufacturing or selling or offering for sale or advertising or adopting the same in any other manner.

b)granting a permanent injunction restraining the defendants, their men, servants, agents or any one claiming through them from in any manner



passing off the tiles manufactured by the defendant as and for the high quality tiles manufactured and marketed by the plaintiff under the registered trade mark EUROCON by adopting the offending trade mark UNICON or any other mark or marks identical with or deceptively similar to the registered trade mark of the plaintiff for the tiles manufactured and marketed by the defendant or by adopting the offending trading style UNICON TILES.

c)directing the defendant to surrender to the plaintiff the entire stock of the unused offending tiles together with moulds and dyes for destruction.

d)directing the defendant to render a true and faithful account of the profits earned by them by selling their tiles by adopting the trade mark UNICON and directing payment of such profits to the plaintiff for the passing off by the defendant.

e)directing the defendant to pay to the plaintiff the cost of the suit.

This civil suit coming on this day before this Court for hearing in the presence of Mrs.Surekha, Advocate for the defendants herein and the plaintiff herein having not appeared in person or by advocate and upon reading the plaint filed herein and

It is ordered as follows:-



That the suit in C.S.No.557 of 1997 be and is hereby dismissed for non-prosecution.

2. That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 12TH DAY OF APRIL 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.



5

WEB COPY 26.04.2022

C.S.No.557 of 1997

ORDER

DATED : 12.04.2022

THE HON'BLE MRS. JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL: 27.04.2022

APPROVED ON : 28.04.2022



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.04.2022

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No. 557 of 1997

Indcon Structurals Pvt. Ltd.,
161, Greams Road,
Chennai - 600 006.

Plaintiff

Versus

1. Unicon Tiles
2. Jayaraman
3. D. Bhaskaran
4. Mohammed Masood,
5. Syed Akbar Hussain
6. Mohammed Sheriff
7. A.Surendar Babu
[All are residing at No.99F, I Floor,
Mc. Nichols Road, Chetput,
Chennai - 600 031].

... Defendants

Prayer:

Civil Suit filed under Order VII Rule 1 of CPC., read with Order IV Rule (1) of O.S.Rules and Sections 105 and 106 of the Trade and Merchandise Marks Act, 1958;

(a) granting a permanent injunction restraining the defendants, their men, servants, agents or anyone claiming through them from in any manner infringing the plaintiff's registered and well established Trade Mark EUROCON by using the offending trading style UNICON TILES ad or in any other manner adopting the offending Trade Mark UNICON or any other mark or marks identical with or deceptively similar to or a colorable



imitation of the registered mark of the plaintiff for the tiles of the defendants either by manufacturing or selling or offering for sale or advertising or adopting the same in any other manner.

(b) granting a permanent injunction restraining the defendants, their men, servants, agents or anyone claiming through them from in any manner passing off the tiles manufactured by the defendant as and for the high quality tiles manufactured and marketed by the plaintiff under the registered Trade Mark EUROCON by adopting the offending Trade Mark UNICON or any other mark or marks identical with or deceptively similar to the registered Trade Mark of the plaintiff for the tiles manufactured and marketed by the defendant or by adopting the offending trading style UNICON TILES.

(c) directing the defendants to surrender to the plaintiff the entire stock of the unused offending tiles together with moulds and dyes for destruction.

(d) directing the defendant to render a true and faithful account of the profits earned by them by selling their tiles by adopting the Trade Mark UNICON and directing payment of such profits to the plaintiff for the passing off by the defendant.

(e) for costs.

For Plaintiff : No Appearance

For Defendants : Mrs.Surekha



WEB COPY

JUDGEMENT

When the case was taken up for hearing on 11.04.2022, there was no representation for the plaintiff. Hence, the matter was directed to be posted today i.e, on 12.04.2022, under the caption “for dismissal”. Even today, there is no representation for the plaintiff either in person or through its learned counsel. Therefore, this Civil Suit is dismissed for non-prosecution. No costs.

Sd/-V.B.S.J.
12.04.2022

//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.