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C.S.No.1153 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.S.No.1153 of 2008

M/s.GRANDIX PHARMACEUTICALS LTD.,
A Company registered under the Indian Companies
Act, having its registered Office at
“Jamals Sonu Terrace”,
No.42, Loganathan Nagar, 100 Feet Road
Choolaimedu
Chennai 600 094.

... Plaintiff

Vs.

1.M/s.SEE GEE PHARMACEUTICALS PVT LTD.,
No.21, Koodapakkam Road
Villianur
Pondicherry 605 110.

2.M/s.HAALDANE LABORATORIES PVT LTD.,
Old No.21, New No.14, 3rd Street, Achuthan Nagar
Ekkattuthangal, Chennai 600 097.

...Defendants



C.S.No.1153 of 2008

Prayer: This Civil Suit is filed under Order IV Rule 1 of the Original Side Rules r/w Order VII Rule 1 of CPC r/w Section 134 of the Trade Marks Act, 1999, praying to pass the judgment and decree:-

a) Granting a permanent injunction restraining the defendants, their men, servants, agents or anyone claiming through or under them from in any manner infringing the plaintiffs' Trade Mark "GRAFIX" by using the offending Trade Mark "Grafix" or any other mark or marks which are similar or in any way deceptively similar to or a colourable imitation of the plaintiffs' Trade Mark "GRAFIX" either by manufacturing or selling or offering for sale or in any manner advertising the same;

b) Granting a permanent injunction restraining the defendants, their men, servants, agents or anyone claiming through or under them from in any manner passing off their pharmaceutical products as that of the plaintiffs' by using the offending Trade Mark "Grafix" as and for the celebrated pharmaceutical products of the plaintiffs with Trade Mark "GRAFIX" or by using any other Trademark which is similar or deceptively similar to that of the plaintiffs trade mark "GRAFIX".

c) Directing the defendants to render a true and faithful account of the profits earned by them through the sale of pharmaceutical products bearing the offending trade mark " Grafix" and directing payment of such profits to the plaintiffs by way of damages for passing off committed by the defendants.



C.S.No.1153 of 2008

d) Directing the defendants to surrender to the plaintiffs the entire stock unused offending goods with Trade Mark “GRAFIX” together with cartons, strips, brochures etc., bearing the offending Trademark for destruction;

e) Directing the defendants to pay the plaintiff the costs of the suit and;

For Plaintiff : Mr.Prasanna Venkat
for M/s.APR Associates

ORDER

This Civil Suit had been filed by the plaintiff seeking injunction against the defendants claiming infringement of Trade Mark “GRAFIX”.

2. The learned counsel for the plaintiff submitted that registration of the defendants Company had been struck off from the Registrar of Companies. Therefore, the learned counsel for the plaintiff submitted that the suit can be dismissed with liberty to the plaintiff to file a fresh suit in case of future trade mark violation.



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C.S.No.1153 of 2008

S.SOUNTHAR, J.
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3. Recording the submission made by the learned counsel for the plaintiff the suit is dismissed with liberty to the plaintiff to file a fresh suit in case of infringement of plaintiff's registered trade mark in future. No costs.

15.06.2023

Index : Yes / No
Internet : Yes / No
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C.S.No.1153 of 2008



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C.S.No.1153 of 2008