



C.S.No.327 of 2008

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**Dated : 11.08.2023**

**CORAM**

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**C.S.No.327 of 2008**

The Institute of Chartered  
Financial Analysts of India,  
No.7, Conran Smith Road,  
Gopalapuram, Chennai – 600 086  
Represented by its Authorised  
Signatory Mr. Sunil Gupta

... plaintiff

**Vs.**

Indian Institute of Banking & Finance  
The Arcade, World Trade Centre,  
2<sup>nd</sup> Floor, tower – 4 Cuffee Parade,  
Mumbai – 400 005

... defendant

**Prayer:** Complaint filed under Order VII Rule 1 of CPC read with Order  
IV Rule 1 of the Original Side Rules and Section 134 and 135 of the  
Trade Marks Act, 1999,

a) granting permanent injunction restraining the defendant, by



itself, its servants or agents or anyone claiming through it, from in any manner infringing the Plaintiffs' Registered trade mark "DBF PROGRAMME" by using the offending trade mark "DBF" or any other mark or marks which are in any way identical to the Plaintiffs' Registered trade mark "DBF" for their computer programme;

b) granting permanent' injunction restraining the defendant by itself, its servants or agents or anyone claiming through it from in any manner passing off of its services by using the offending trade mark "DBF" as and for the celebrated services rendered by the Plaintiffs by using the Registered trade mark "DBF PROGRAMME?" either by rendering services or offering services or in any manner advertising the same;

c) directing the defendant to render a true and faithful account of the profits earned by them through rendering services by using the offending trade mark "DBF" and directing payment of such profits to the plaintiffs for the passing off committed by the defendants,

d) directing the defendant to surrender to the plaintiff the entire stock of unused labels, bill books, publications instructional materials etc. bearing the offending trade mark "DBF" together with the blocks and dyes for destruction;



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suit.



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e) directing the defendant to pay to the plaintiffs the cost of the

For Plaintiff : No Appearance.

For Defendants : Mr. Arun C. Mohan

### **ORDER**

On 31.07.2023, this Court has passed the following order taking into account the earlier order dated 27.07.2023:

*“Though the name of the plaintiff is printed in cause list since the erstwhile counsel has filed a memo giving change of vakalat, the plaintiff has not entered appearance either in person or through another counsel.*

*Post the matter "for dismissal" on 11.08.2023.”*

2. Today, the matter has been listed showing the name of the



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plaintiff in the cause list. However, there is no representation for the plaintiff either in person or through counsel. Therefore, the suit is dismissed for default. No costs.

**11.08.2023**

Internet : Yes/No  
Index :Yes/No  
Speaking / Non-Speaking  
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**P.T. ASHA. J,**

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