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C.S. No.1066 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.S. No.1066 of 2007

B.Mohamed Sulaiman

.. Plaintiff

/versus/

M.M.Mappillai Maideen

.. Defendant

Prayer: Civil Suit has been filed under Order IV, Rule 1 of the Original Side Rules and Order VII Rule 1 of Code of Civil Procedure read with Sections 27(2), 28, 29, 134 and 135 of the Trademarks Act, 1999 prays for a judgment and decree:

a)granting a permanent injunction restraining the defendant, by himself, his servants, or agents, or anyone claiming through him from manufacturing, selling, advertising and offering for sale by infringing the plaintiff's registered Trademark "MMM" in relation to rice or by using any other mark or marks which are in anyway visually, phonetically or deceptively similar to the plaintiff's registered Trademark "MMM" or in any manner infringing the plaintiff's registered Trademark;

b)granting a permanent injunction restraining the defendant, by himself, his servants, or agents, or anyone claiming through him from in any manner passing off their rice bearing the plaintiff's registered Trademark "MMM" or by using any other mark or marks which are in



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anyway visually, phonetically or deceptively similar to the plaintiff's registered Trademark "MMM" as and for the rice of the plaintiff by selling or offering for sale or in any manner advertising the same;

c)directing the defendant to surrender to the plaintiff the unused bags, packing materials, labels, advertisement materials, catalogues, sales invoice books, blocks, dies and all other materials bearing the plaintiff's registered Trademark;

d)directing the defendant to render true and faithful account of the profits earned by them through the sale of the rice by using the plaintiff's registered Trademark "MMM" and directing the defendant for payment of such profits made by the defendant to the plaintiff;

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

For Plaintiff: No appearance

For defendant : No appearance

J U D G M E N T

As seen from the proceedings of the learned Additional Master II, there has been no representation on the side of the plaintiff on several hearing dates, ever since 09.08.2023 and ending on 11.10.2023. Only under those circumstances, the matter has been placed before this Court by the learned Additional Master II. Today also, there is no



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representation on the side of the plaintiff. It can now be inferred that the plaintiff is not interested in prosecuting the suit. Accordingly, this suit is dismissed for non prosecution. No costs.

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ABDUL QUDDHOSE, J.

vga

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