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C.S.No.399 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. No.399 of 2007

Manohar Singh

... Plaintiff

Vs.

1. Shyam Singh

having Office at No.4/6,

East Cemetery Road,

Old Washermenpet, Chennai 600 021.

(Amended as per order dated 25.11.2011 in Appl.No.4085 of 2011)

2. Shantilal

3. Rakesh Kumar

4. Madhu Singh

... Defendants

PRAYER: Complaint filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule I of C.P.C. and Section 135 of the Trademarks Act, 1999 and under Sections 55, 58 and 62 of the Copyright Act, 1957 to pass a judgment and decree against the defendants:

(a) for permanent injunction restraining the defendants, their servants, agents and/or assigns or any one claiming through them from in any manner infringing the plaintiff's registered Trade Mark "Singh, Singh Mehendi Industries" and/or any other mark or marks identical with or phonetically or



visually similar or deceptively similar mark thereto by use in connection with Mehendi products;

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(aa) permanent injunction restraining the defendants, their servants, agents or assign from in any manner infringing the plaintiff's registered mark "Singh" by using the offending mark, "Raju Singh" and/or "Ram Singh or Sindh's Dulhan" and/or any other marks which is similar to the plaintiff's registered mark "Singh" by manufacturing, selling or offering for sale or in any manner advertising the same in connection with mehendi product;

(amended as per order dated 25.11.2011 in Appl.No.4085 of 2011)

(b) for permanent injunction restraining the defendants, their servants, agents, or anybody claiming through them, and/or assigns from in any way or manner manufacturing, marketing of selling mehandis and/or any other product using the Trade Mark "Singh" and/or any other Trade Marks and/or name and/or labels and/or get up and/or lay out and/or colour combination deceptively similar, either phonetic or visual, to the plaintiff's Trade Marks "Singh", "Singh Special Cone", "Singh, Singh Mehendi Industries" and "Singh's DULHAN";

(c) for permanent injunction restraining the defendants on their servants, agents or anyone claiming through them from in any manner infringing the plaintiff's well known trade mark "Singh" "Singh Special Cone", and "Singh's DULHAN" by using the offending marks "Raju Singh DULHAN SINGHAR" and/or "Ram SINGH" and/or "Sindh's DULHAN" or any other mark which are similar to the well known trade mark of the



plaintiff either by manufacturing or selling or marketing or offering for sale or in any manner advertising the same;

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(d)for permanent injunction restraining the defendants or their servants, agents or anyone claiming through them from in manner passing off their Mehendi Products as that of the plaintiff's registered Trade Mark "Singh, Singh Mehendi Industries" and/or the plaintiff's well known Trade Mark "Singh", "Singh Special Cone and/or "Singh's DULHAN or any other similar marks by using the offending marks "Raju Singh DULHAN SINGHAR" and/or "Ram SINGH" and/or "Sindh's DULHAN" or any other mark which are similar to the well known trademark of the plaintiff either by manufacturing or selling or marketing or offering for sale or in any manner advertising the same;

(e)for permanent injunction restraining the defendants or their servants, agents or anyone claiming through them from in manner infringing the plaintiffs registered copyright in his artistic works in the well known trademark "Singh", "Singh Special Cone", "Singh, Singh Mehendi Industries" and "Singh's DULHAN and or similar marks and/or labels by using the offending marks "Raju Singh DULHAN SINGHAR" and/or "Ram SINGH" and/or "Sindh's DULHAN" or any other mark which are similar to the well known trade mark of the plaintiff either by manufacturing or selling or marketing or offering for sale or in any manner advertising the same;

(f)for a direction directing the defendants to delivery up an cancellation upon oath all the packaging materials, wrappers, foils, cartons publicity material, bills etc. bearing the name "Singh" and/or any other mark deceptively similar to the plaintiff's said Trade Mark "Singh" and/or the



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offending marks "Raju Singh DULHAN SINGHAR", "Ram SINGH" and/or "Sindh's DULHAN"

(g)to award costs of the suit.

For Plaintiff : Ms.P.V.Rajeswari

JUDGMENT

The matter is listed under the caption 'for dismissal' today. As seen from the earlier proceedings, settlement has been reached between the plaintiff and the first defendant. On the last hearing date, i.e. on 01.12.2023, a direction was issued to the registry to remove the name of the first defendant from the array of party defendants as the first defendant has already arrived at a settlement with the plaintiff.

Since the suit is of the year 2007 and the plaintiff has not been co-operating for the recording of oral evidence as seen from the proceedings of the learned Additional Master II, it can now be inferred that the plaintiff is not interested in prosecuting this suit. Accordingly, this suit is dismissed for non-prosecution. No costs.

15.12.2023

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