



C.S (Comm Div). No. 31 of 2009

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2023

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S.No. 31 of 2009

B. Kishore Jain,
trading as
Khazana Jewellery
252A, TTK Road,
Alwarpet, Chennai 600 018.

... plaintiff

Vs.

1. Balaji Khazana Jewellery,
Plot No. 74, ECIL Road,
Srinivasa Nagar, Near Sai Sudhir College,

2. M/s. Vanaja
W/o. Raman Lal,
Partner of
Balaji Khazana Jewellery,
Plot No. 74, ECIL Road,
Srinivasa Nagar, Near Sai Sudhir College,
Hyderabad 500 062.

... defendants



Prayer: Plaintiff filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of the Original Side Rules and Section 27, 28, 29, 134 and 135 of the Trade Marks Act, 1999, for

A. A permanent injunction restraining the defendant, his partners, men, agents, servants, assigns successor-in business, legal representatives or anyone claiming through or under him from in any manner infringing the plaintiff's registered trade mark KHAZANA under No. 544884 in class 14 b use of Balaji KHAZANA Jewellery as a trademark and/or as part of trade name/trading style or by use of any other trade mark/trade name containing the word KHAZANA or any word similar thereto or in any other manner whatsoever;

B. A permanent injunction restraining the defendant, his partners, men, agents, servants, assigns, successor-in-business. legal representatives or anyone claiming through or under him from in any manner passing off or enabling others to pass off the defendant's



goods, business, services, jewellery etc., by use of trademark and/or trade name/trading style BALAJI KHAZANA JEWELLERY which is deceptively similar to plaintiff's well established trademark/trade name Khazana Jewellery or in any manner whatsoever;

C. The defendant be ordered to surrender to the plaintiff all name boards, stationery, labels, dyes, screen prints, packing materials, pouches, bags, advertising material etc., containing the trademark BALAJI KHAZANA JEWELLERY which is deceptively similar to the plaintiff's trademark/trade name KHAZANA.

D. a preliminary decree be passed in favour of the Plaintiff directing the Defendant to render account of profits made by use of trademark BALAJI KHAZANA JEWELLERY and a final decree be passed in favour of the Plaintiff for the amount of profits thus found to have been made by the Defendant after the latter have rendered accounts;



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E. The Defendant be ordered and decreed to pay to the Plaintiff a sum of Rs. 1,00,000/- as damages for acts of infringement of trade mark/trade name and passing off;

F. for costs of the suit; and

G. pass such further or other reliefs as this Hon'ble Court may deem fit and necessary in the circumstances of the case and thereby render justice.

For Plaintiff : Mr. Arun C.Mohan

For Defendant 1 : No Appearance.

For Defendant 2 : No Appearance.

JUDGEMENT



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The learned counsel for the Plaintiff has made an endorsement stating that the defendant is no longer using the infringing mark. Therefore, he seeks to withdraw the suit. On the basis of the said endorsement, the suit is dismissed as withdrawn. No costs.

01.09.2023

Internet : Yes/No
Index : Yes/No
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P.T. ASHA. J,



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