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C.S.No.804 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. No.804 of 2005

Prince Jewellery

... Plaintiff

Vs.

M/s.Prince Jewellery,
rep. by its Managing Partner Suresh

... Defendant

(amended as per order dated 21.06.2007 in A.No.2528 of 2007 and
delay condoned by order dated 02.08.2007 in A.No.5386 of 2007)

PRAYER: Complaint filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule I of C.P.C. and Sections 27, 28, 29, 134 & 135 of Trademarks Act, 1999 to grant judgment and decree against the defendant:

(i) permanent injunction restraining the Defendant, its men, agents, partner, associates, officers, representatives, servants from infringing the plaintiff's registered trademark "PRINCE JEWELLERY" under registration No.575792 of the plaintiff by manufacturing, use, advertisement, sale, offering for sale, exposing for sale of the trademark "PRINCE JEWELLERY" or any other deceptively similar mark with respect to jewellery, ornaments and with respect to any goods whatsoever;

(ii) permanent injunction restraining the Defendant its men, agents, partners, associates, officers, representatives, servants from passing off their



goods as that of the plaintiff's by using the plaintiff's trademark "PRINCE JEWELLERY" or any other similar trademark;

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(iii)an order for rendition of accounts of profits made by the defendant by using the plaintiff's trademark as and when ascertained to be awarded to the plaintiff and against the defendant on account of use of the offending trademark;

(iv)an order for costs of the proceedings.

For Plaintiff : Mr.A.Umashankar

For Defendant : Ms.Gladys Daniel

JUDGMENT

Learned counsel for the plaintiff is unable to inform this Court about the present status of the dispute between the parties. He would submit that despite his best efforts, he is unable to contact his client. It is also informed by the learned counsel for the plaintiff that the sole defendant is dead and till date, no steps have been taken by the plaintiff to bring on record the legal representatives of the deceased sole defendant.

2.On the last hearing date i.e. on 08.12.2023, it was made clear by this Court that if the plaintiff is unable to inform this Court on the next hearing date about the present status of the dispute, this suit will be dismissed for non-prosecution. It can now be inferred that the plaintiff is not



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interested in prosecuting this suit. Accordingly, this suit is dismissed for non-prosecution. No costs.

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ABDUL QUDDHOSE, J.

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