



C.S.No.340 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.06.2023

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The Hon'ble Mr. Justice **SENTHILKUMAR RAMAMOORTHY**

Civil Suit No.340 of 2011

Daystar Television Network India Pvt. Ltd.

Rep. by its Managing Director,

Mr.A.Jasper New Prabhu,

229/1, Royal Park Apartment,

Konnur High Road, Ayanavaram,

Chennai-600 023.

... Plaintiff

vs.

1. World of God Fellowship

Inc./d/b/a/Daystar Television Network,

No.3901, Highway 121, Bedford,

Texas-76021, U.S.A.

2. Daystar Broadcasting Network Pvt. Ltd.

Plot No.7, Balaji Swarnapuri Colony,

Behind Don Bosco School,

Sanjeevreddy Nagar,

Hyderabad-500 018

... Defendants

Civil Suit is filed under Order IV Rule 1 of Madras High Court Original Side Rules read with Order VII Rule 1 of CPC and r/w. Sections 27, 28, 29, 134 & 135 of the Trademarks Act, 1999, prays (a) A decree of permanent injunction restraining the Defendants, their men, agents, representatives, successors, or assigns or anyone claiming under them from



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downlinking, distributing the signals or telecasting Daystar Television Network channel in any place or media in India otherwise than through the Plaintiff; (b) A decree of permanent injunction restraining the Defendants, by themselves, their men, agents, representatives successors, assigns, or any one claiming through or under them from in any manner infringing the Plaintiff's registered trademark "DAYSTAR TELEVISION NETWORK" by using the said name in any television programmes, stationery, broadcast, advertisements, websites, propoganda literature or in any other manner or media in India whatsoever; (c) A decree of permanent injunction restraining the Defendants by themselves, their partners/directors as the case may be, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, retailers, stockists or any one claiming through them from in any manner passing off or enabling others to pass off their goods, services and business by use of offending trademark "DAYSTAR TELEVISION NETWORK" as trade name or in any other manner whatsoever; (d) A decree be ordered to the 2nd Defendant to render true and faithful accounts of profits earned by them on account of adoption and use of trademark "DAYSTAR TELEVISION NETWORK" in relation to their services and the Plaintiff undertakes to pay actual court fees after the 2nd Defendant renders the accounts; (e) to direct the 1st Defendant to pay to the Plaintiff compensation of a sum o Rs.75,00,000/- (Rupees Seventy Five Lakhs only), together with interest at 12% per annum from the date of Plaint to the date of payment and (f) A decree for costs of the suit.

For Plaintiff : Ms.Sonu Mehtha for
M/s.P.V.S.Giridhar & Sai Associates

For Defendants : M/s.Madhan Babu



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J U D G M E N T

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Learned counsel for the defendants submits that the plaintiff company was struck off from the Register of Companies. In support of this submission, learned counsel has placed on record a memo dated 14.06.2023 filed by the defendants. In the said memo, the defendants assert that the suit is liable to be dismissed in view of the plaintiff company being struck off from the Register of Companies. Learned counsel also relies on the company master data sheet relating to M/s.Daystar Television Network India Private Limited, which indicates the status of the said company as “struck off”.

2. Upon obtaining instructions from the promoters of M/s.Daystar Television Network India Private Limited, learned counsel who previously appeared for the said company, concurs with the submissions of learned counsel for the defendants.

3. In view of the above, the civil suit cannot be prosecuted and the same is dismissed without any order as to costs.

21.06.2023

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Index : Yes/No

Neutral Citation : Yes/No



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