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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. No.161 of 2021

and

A. No.2167 of 2021

B.L.T Stores,
Rep. by its Sole Proprietor
M.C. Thiagaraajan,

... Plaintiff

vs.

1. D.V. Srinivasan,
No. 25, Kattabomman 2nd Street,
Red Hills,
Chennai - 600 052.

2. M/s. India MART Inter MESH Ltd.
Rep. by its Managing Director
Having its Registered Office at:
1st Floor, 29-Daryaganj,
Netaji Subash Marg,
New Delhi - 110002 and having its Branch Office at:
No.25, Thennattu Gandhi, Annanagar Part-1,
Ayyapakkam Main Road, Ambattur,
Chennai-600 053. *

.... Defendants

* 2nd defendant is struck up from the suit
as per order dated 10.08.2021 in
A. No.2500 of 2021



Prayer : PLAINT FILED UNDER ORDER VII RULE 1 OF C.P.C. R/W. SECTION 134 AND 135 OF TRADE MARK ACT, 1999 R/W. SEC. 2 (1) (c) (xvii) OF COMMERCIAL COURTS ACT, 2015 READ WITH ORDER IV RULE 1 OF O.S.RULES praying for the following judgement and decree :-

(a) For a Declaration, declaring that the 1st defendant has passed-off goods and services under the name of plaintiff's trade mark "B.L.T. Stores", through the 2nd defendant's on-line trading website,

(b) For a Permanent Injunction, restraining the defendants 1 and 2 or anyone claiming through them, from entering into any on-line communication, transaction or sale, in the name of B.L.T. Stores,

(c) For a Mandatory Injunction, directing the 2nd defendant to remove the name of B.L.T. Stores, from its on-line trading web- site,

(d) For directing the 1st defendant to render the Accounts of profits earned by him by reason of passing-off goods and services under the name of plaintiff's trade mark "B.L.T. Stores".

For Plaintiff	: Mr.A.D.Janarthanam
For Defendant	: Mr.B.Leelesh Sundaram
	for
	M/s. Nathan and Associates

JUDGEMENT

The learned counsel for the defendant on instructions has made an endorsement in the suit bundle stating that the defendant never used the trade name "BLT Stores" of the plaintiff and therefore insofar as the injunction relief sought for in the plaint is concerned, the defendant is submitting to a decree.

2. The learned counsel for the defendant also drew the attention of



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this Court to the written statement filed by the defendant in the suit wherein also the defendant has categorically stated that they never used the trade name BLT Stores which is being used by the plaintiff at any point of time. Apart from the aforesaid relief, the plaintiff has claimed for a direction for rendering accounts. Such a relief cannot be granted by this Court, since the plaintiff has not sued the defendant for damages.

3. After recording the endorsement made by the learned counsel for the defendant on instructions and in terms of the said endorsement, the suit is disposed of. However, if the plaintiff in the near future desires to seek damages from the defendant for any alleged violation committed by him, they are granted liberty to seek the said relief in the manner known to them under law and the defendant is also granted liberty to raise all objections available to him as and when such an action is initiated by the plaintiff in the near future. Consequently, connected application is closed.

21.12.2023

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
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ABDUL QUDDHOSE, J.

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