



C.S.No.277 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.S.No.277 of 2016

Mohan Breweries and Distilleries Limited,
Represented by its Chief Financial Officer,
3rd Floor,
South Indian Film Chamber of Commerce,
No.605 & 606,
T.R.Sundaram Avenue, Thousand Lights,
Chennai – 600 006.
Plaintiff

...

Vs

M.P.Beer Products Private Limited,
Sector A, 62/63 Industrial Estate,
Sector A, Indore,
Madhya Pradesh – 452 015.

... Defendants

Prayer: This Civil Suit is filed under Order IV Rule 1 of the Madras Original Side Rules and Order VII, Rule 1 of CPC read with Sections 27, 28, 29 and 134 of the Trade Marks Act, 1999 and Sections 51, 55 and 62 of the Copyright Act 1957 and Sections 11 and 22 of the Designs Act, 2000, prayed for a Judgment and Decree:-



C.S.No.277 of 2016

WEB COPY

a) a Permanent Injunction restraining the defendant by themselves, or through their men, servants, agents, promoters, representatives stockist's, retailers, or any one claiming through them from in any manner using the plaintiffs' bottle bearing the registered design which are further embossed with the plaintiff's said logo and registered trademark;

b) a Permanent injunction restraining the defendant by themselves, or through their men, servants, agents, promoters, representatives stockist's, retailers, or any one claiming through them from in any manner whatsoever passing off their beer products as those of the Plaintiffs';

c) A Preliminary decree be passed in favour of the Plaintiffs' directing the defendant to render account of profits made by infringing on the plaintiffs' registered design and trademark and passing off their beer products as those of the plaintiffs' and a final decree be passed in favour of the plaintiffs' for the amount of profits thus found to have been made by defendant after the latter have rendered accounts;

d) A directing to the defendant to surrender on oath to the plaintiffs for destruction of bottles bearing the Plaintiff's registered design and trademark;



C.S.No.277 of 2016

WEB COPY

e) A direction directing defendant to pay a sum of Rs.50,00,000 (Rupees Fifty Lakh Only) as damages for loss suffered by the plaintiff on account of the defendant's acts of infringement of design, Trademark and copyright committed by selling their product in the plaintiffs' bottle bearing the registered design which are further embossed with the plaintiffs said logo and registered trademark;

f) Costs of the suit.

For Plaintiff : No appearance

For Defendant : No appearance

JUDGMENT

When the suit was taken up for hearing on 12.01.2023, there was no representation on behalf of the plaintiff. Hence, the suit was directed to be listed on 23.01.2023. In fact, earlier when the suit was listed for the plaintiff's witnesses, the plaintiff's witness was not present before the learned Additional Master – IV on 05.01.2023.



C.S.No.277 of 2016

WEB COPY

2. It appears that the plaintiff is not interested in prosecuting the case. Hence, this suit is dismissed for non-prosecution. No costs.

24.01.2023

Internet : Yes / No

Index : Yes / No

Speaking Order/Non-Speaking Order

jas



WEB COPY



C.S.No.277 of 2016

C.SARAVANAN, J.

jas

C.S.No.277 of 2016

24.01.2023