



C.S.No.(Comm.Div.).94 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S.(Comm.Div.).No.94 of 2023

and

O.A.Nos.349 and 350 of 2023

and A.No.2412 of 2023

M/s. R.K. Ganapathi Chettiar,
Rep. by its Partner M. Thirumoorthi
138, Muthur Road, Kangayam,
Tiruppur District- 638701, Tamil Nadu.

...Plaintiff

Vs.

1. Mr. M. Prabhakaran,
No. 1. Perumal Koil Street, Baljipalayam,
Chinna Sekkadu, Manali, Chennai-600 068.
Tamil Nadu, India.

2. Coconut Oil Centre,
No. 64, Acharappan Street,
Kothuwal Chavady, Chennai - 600 001,
Tamil Nadu, India.

...Defendants

PRAYER: Civil Suit is filed under under Order VII Rule 1 C.P.C. read with Order IV Rule 1 of Original Side Rules read with sections 27, 29, 134 & 135 of the Trademarks Ac, 1999, praying for:-



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a. A permanent injunction restraining Defendants, their directors, all their principal officers, staff, men, agent, servants, successors, assigns in business, representatives and any other person from infringing the trade mark by using the mark, "**RRG**" or any other word/words/device that are identical or deceptively similar to the said registered trademarks, "**RKG**" of the Plaintiff in class 29 in respect of ghee and thereby restraining them from claiming any right through or under Defendants from in any manner infringing the registered trademarks by using trade mark "**RRG**", and

b. A permanent injunction restraining the Defendants, all his principal officers, staff, men, agent, servants, successors, assigns in business, representatives and any other person from passing off his/their goods by using the impugned trademark "**RRG**", which is deceptively similar as registered trade mark, "**RKG**" of the Plaintiff in class 29, or any other word/words/logo/artistic work/design/device that are identical or deceptively similar to the said registered Trademark of the Plaintiff in class 29 in respect of ghee, and thereby restraining the Defendants in any manner from passing off.

c. That the Defendants be ordered and directed to pay to Plaintiff a sum of Rs.5,00,000/- (Five Lakhs only) by way of damages.



d. A Preliminary Decree be passed in favour of the Plaintiff directing the Defendants to render a true and faithful accounts of all profit made by them, using the Plaintiff's said Trademark and a final decree be passed in favour of the Plaintiff for the amount of profit thus found to have been made by the Defendants, together with interest, after the Defendants has rendered accounts.

e. That the Defendants be directed to deliver-up to the Plaintiff for destruction, all labels, all other print materials, stickers, signage, visiting cards, letter heads, catalogues, pamphlets, brochures, all other advertising and promotional material, all stationary, and such other material user for infringing and passing off.

f. for the costs of the suit; and

g. Pass such other or further orders as this Hon'ble Court deems fit, in the interest of justice and equity.

For Plaintiff : Mr.Ramesh Ganapathy

For Defendants : M/s.E.Abinaya Lakshone [D.1 & D.2]



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JUDGMENT

The plaintiff and the defendants have entered into a compromise and the terms of compromise has been reduced into a Joint Compromise Memo dated 29.06.2023. The Joint Compromise Memo is signed by the plaintiff and the defendants and also by their respective counsels. The said Joint Compromise Memo dated 29.06.2023 is taken on file.

2. Accordingly this Civil Suit is decreed in terms of the Joint Compromise Memo dated 29.06.2023. The terms of Joint Compromise Memo signed by the plaintiff and the defendants shall form part and parcel of this judgment and decree. Consequently, connected applications are closed. No Costs.

10.07.2023

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

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