



A.No.2823 of 2023
in C.S.(Comm. Div.)No.141 of 2022

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S.SOUNTHAR, J.

This application has been filed by the Applicants/Plaintiffs seeking leave of the Court to produce certain documents.

2. The applicants herein filed the suit seeking permanent injunction restraining the Respondents/Defendants from infringing the trademark CHETTINAD and passing off the Respondents/Defendants' services as that of the Applicants/Plaintiffs' services by using the offending trademark CHETTINAD PUBLIC SCHOOL.

3. It is averred in the affidavit filed in support of this application that earlier the applicants filed the Civil Suit before this Court in C.S.No.485 of 2011 and obtained a compromise decree and the same was not filed inadvertently at the time of filing of the plaint. It is also averred in the affidavit that Additional documents No. 1 to 48, now sought to be produced by the applicants are awards received by the applicants recognizing its services.



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4. The applicants also averred that the Documents No. 49 to 53 filed along with the application are useful to establish the fact that the Defendants had infringed the applicants' registered trademark.

5. The learned senior counsel appearing for the applicants submits that the documents now sought to be produced were not produced by the applicants inadvertently at the time of filing of the plaint and the learned Senior Counsel also submits that allowing of application would not cause any irreparable injury to the respondents.

6. The learned senior counsel appearing for the respondents submits that the documents now sought to be produced by the applicants can be received in evidence, subject to proof and relevancy. The learned senior counsel further submits that the documents can be received in evidence, subject to right of the respondents to file its affidavit of denial.



7. Having satisfied with the reasons assigned in the affidavit filed in support of this petition, the application in A.No.2823 of 2023 is allowed.

The documents, which are filed along with this application can be received in evidence subject to proof and relevancy. The respondents are entitled to file affidavit of denial in respect of the documents filed along with this application.

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