



C.S.(Comm.Div.)No.48 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

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**THE HONOURABLE MR.JUSTICE C.SARAVANAN**

C.S.(Comm.Div.)No.48 of 2021

and

O.A.No.528 of 2021

1.Mr.M.Abdulkadhar

2.SAFS Organic Enterprises,  
Registered Partnership Firm,  
No.169, Vazhdahvoor Main Road,  
Gandhi Nagar, Kaundanpalayam,  
Puducherry - 605 009.

... Plaintiffs

Vs

M/s.Godwill Energy Products Private Limited,  
Having Registered Office at  
No.132, Nehru Street, Indira Nagar,  
Perumugai, Vellore District - 632 009.

... Defendant

Prayer: This Civil Suit is filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of the Code of Civil Procedure, 1908 with Section 22 of the Designs Act, 2000 of 1957 and Section 7 of the Commercial Courts Act, 2015, prayed for a Judgment and Decree:-



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a) Grant a Permanent Injunction restraining the defendant themselves, their partners, successors-in-business, servants, agents, distributors, dealers, wholesalers, retailers, shop keepers, representatives, assignees and all other persons claiming through them from manufacturing, selling and distributing, as well advertising products using the registered design of the plaintiff in any manner whatsoever that amounts to infringement.

b) The defendant be ordered to surrender to the plaintiff for destruction all goods, advertisement materials, labels and other allied goods containing the infringing Insect Trap Product of the defendant.

c) Order the defendant to pay damages to the plaintiff of Rs.50,000/-.

d) Order for recovery of the entire costs of the suit from the defendant.

For Plaintiff : No appearance

For Defendant : No appearance

### **JUDGMENT**

On an earlier occasion i.e., on 20.12.2022, there was no representation either on behalf of the plaintiff or on behalf of the defendant.



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2. Today also there is no representation either on behalf of the plaintiff or on behalf of the defendant.

3. On 20.12.2022, Registry was directed to verify whether the suit summon was served on the sole defendant. Registry has put the note indicating that suit summon is served to the defendant on 23.09.2021.

4. Considering the fact that the present dispute is commercial dispute and is governed by the provisions of the Commercial Courts Act, 2015, the defendant is liable to be *set ex parte* and forfeits the right to file a Written Statement.

5. Considering the fact that today also there is no representation on behalf of the plaintiff, it appears that the plaintiff is not interested in prosecuting the case.



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**C.SARAVANAN, J.**

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6. Accordingly, this Civil Suit is dismissed for non-prosecution. No costs. Consequently, connected Original Application is closed.

**03.01.2023**

Internet : Yes / No

Index : Yes / No

Speaking Order/Non-Speaking Order

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