



C.S (Comm Div). No. 148 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.08.2023

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S (Comm Div). No. 148 of 2022

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A.Nos. 2172 & 2173 of 2023

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O.A.Nos. 438 & 439 of 2022

&

A.No. 3107 of 2022

GRB Dairy Foods Private Limited
No. C-47, Thiru Vi.Ka. Industrial Estate,
Tamil Nadu, India,
rep by its Director
Mr.P.Kasturi

... plaintiff

Vs.

1.P.Veerasantheep

2.P.Muthulakshmi

... defendants



Prayer: Plaintiff filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of the Original Side Rules and Section 27, 28, 29 and 135 of the Trademarks Act, 1999 & Proviso to Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of the High Court Act, 2015, for

(a) a permanent injunction restraining the Defendants, themselves, their partners, successors-in-business, servants, agents, distributors, dealers, stockists, wholesalers, retailers, shop keepers, representatives, assigns and all other persons claiming through them from manufacturing, selling and distributing, advertising ghee and any other dairy or other products using the mark GRS which is almost identical to the Plaintiffs mark GRB amounting to infringement of the Plaintiffs registered trademark in any manner whatsoever;

(b) a permanent injunction restraining the Defendants by themselves, their directors, legal representatives, successors in business, assigns, servants, agents, transporters, distributors, printers, stockists, wholesalers, dealers, retailers, advertisers or any one claiming through or under them from committing acts of passing off and enabling others to pass off by manufacturing, distributing, marketing, selling, offering for sale, advertising or in any other manner dealing in ghee and any other Dairy or any other products



bearing the almost identical mark GRS, using any similar trade name, which in any manner whatsoever would be considered to be similar to the Plaintiff's registered trademark GRB;

(c) the Defendants be ordered to pay to the Plaintiff, a sum of Rs.10,00,000/- as damages for committing infringement of trademarks and passing off its products as and for the Plaintiff's products or services;

(d) the Defendants be ordered to surrender to the Plaintiff for destruction, name boards, invoices/bills, wrappers, labels, bottles, containers, prints, dies, blocks, moulds and plates, screen prints, cylinders, packing and advertising material and any other material in the Defendant's possession, bearing the mark GRS or any mark similar to Plaintiff's registered trademark GRB;

(e) a preliminary decree be passed in favour of the Plaintiff directing the Defendants to render account of profits made by use of the mark GRS and trade name GRS DairyFoods in respect of ghee and dairy products amounting to infringement of the Plaintiff's registered trademarks and/or passing off and a final decree be passed in favour of the Plaintiff for the amount of profits thus found to have been made by the Defendants after the latter have rendered accounts;



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(f) for costs of the suit; and

(g) for such further and other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render Justice.

For Plaintiff : Mr. Arun C.Mohan

For Defendants : Mr. S.Suresh Kumar
Caveator Counsel.

ORDER

On the last occasion the defendants have filed separate affidavits and the relevant contents of which has been extracted in the order dated 09.08.2023. The matter was adjourned today in order to enable the learned counsel for the plaintiff to get instructions as to whether they were giving up the suit claim (c).



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2. Today, when the matter is posted, the learned counsel for the plaintiff on instructions would submit that the plaintiff is ready to give up the suit claim (c).

3. Therefore, the suit is decreed in terms of the undertaking given by the defendants in the affidavits dated 09.08.2023. The learned counsel appearing for the defendants would submit that the defendants have already taken steps to change the trading name of the defendant's company from “*GRS DAIRY FOODS*” to some other name. The same is recorded. Consequently, the connected applications are closed. No costs.

11.08.2023

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

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