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C.S. (COMM. DIV.) No.64 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. (COMM. DIV.) No.64 of 2021
and
O.A. Nos.599 and 600 of 2021
and
A. No.3439 of 2021

Hatsun Agro Product Ltd.,
Represented by its Authorized Signatory .. Plaintiff

1. M/s. SRT Agro Foods,
A partnership firm,
represented by its partners,
Mr. M. Chandradasan & Mr. M. Veeraramani.

2. Mr. M. Chandradasan,
A partner of
M/s. SRT Agro Foods.

3. Mr. M. Veeraramani,
A partner of-
M/s. SRT Agro Foods.

... Defendants

Prayer : PLAINT UNDER ORDER VII RULE 1 CPC READ WITH
ORDER IV RULE 1 OF HIGH COURT O.S. RULES AND SECTION
134 AND 135 OF THE TRADEMARKS ACT 1999 AND SECTION 7
OF THE COMMERCIAL COURTS ACT, 2015 praying for the
following judgment and decree :-

A. For a permanent injunction restraining the Defendants by



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themselves, their heirs, legal representatives, successors-in-business, agents, servants, distributors or any one claiming through them from in any manner infringing the Plaintiff's registered trademark AROKYA by using the mark AROKYAM or any other deceptively similar mark in any manner whatsoever causing infringement to the Plaintiff's registered trademark as described in the Schedule to the Plaint

B. For a permanent injunction restraining the Defendants, by themselves, their heirs, legal representatives, successors-in-business, agents, servants, distributors or any one claiming through them in any manner whatsoever from passing off and enabling others to pass off the Defendant's business as that of the Plaintiff's by using the mark AROKYAM or any other mark which is deceptively similar or identical to the Plaintiff's trademark AROKYA in any manner whatsoever.

C. Directing the Defendants to surrender to the Plaintiff all the products and stocks with the offending labels, together with the blocks, dies, name boards, sign boards, etc., for destruction.

D. Directing the Defendants to render true and faithful accounts of the profits earned by them through the sale of the products bearing the offending trademark labels and directing payment of such profits to the Plaintiff.

E. Directing the Defendants to pay to the Plaintiff a sum of Rs.1,00,000/- as damages for committing acts of infringement of trademark and passing off.

For Plaintiff : Ms. Aishwarya
for M/s.Surana & Surana

For Defendants : Mr.R. Sreedhar
for D1 & D2
D3 – Set exparte

JUDGMENT



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A Memo has been filed by the learned counsel for the defendants 1 and 2. As seen from the Memo, dated 09.10.2023, the defendants have agreed not to use the word “AROKYAM” in their products manufactured by them. The name of the Mark has now been changed by the defendants 1 and 2 as seen from the Memo to “SRT NALENNAI”. A copy of the Memo has also been served on the learned counsel for the plaintiff, who has received instructions from the plaintiff that the plaintiff is agreeable to the contents of the Memo.

In terms of the Memo filed by the learned counsel for the defendants 1 and 2, dated 09.10.2023, this suit is disposed of. The said Memo shall form part and parcel of the Judgment and decree. Consequently, connected applications are closed.

09.10.2023

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
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ABDUL QUDDHOSE, J.

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