



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

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THE HONOURABLE MS.JUSTICE P.T. ASHA

C.S.(Comm Div).No.175 of 2023

and

O.A.Nos.615 & 616 of 2023

and A.No.3418 of 2023

Archean Industries Pvt. Ltd.
2, North Crescent Road,
T.Nagar, Chennai 600017

... Plaintiff

Vs.

Archean Granites,
368B/6, 1st Main Road, Natsea Nagar,
Virugambakkam, Chennai 600092

..Defendant

Prayer: Plaint has been filed under Order VII Rule I of Civil Procedure Code, 1908 and Order IV Rule 1 of O.S. Rules, read with Sections 27, 28, 29 134, 135 of the Trademarks Act, 1999 to grant a judgement and decree on the following terms:-



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a) a permanent injunction restraining the Defendant, by itself, its partners, men, servants, agents, distributors, stockiest, representatives or any one claiming through or under them from in any manner infringing the plaintiffs registered trademark ARCHEAN under No.2167253 in Class 19 by using an identical trademark ARCHEAN or any other trademark deceptively similar to the plaintiffs registered trademark or in any other manner whatsoever;

b) a permanent injunction restraining the Defendant, by itself, its partners, men, servants, agents, distributors, stockiest, representatives or any one claiming through or under them from in any manner passing off and/or enabling others to pass off the Defendant' products by manufacturing, selling, or offering to sell, distributing, displaying, printing, stocking, using, advertising their products with a trademark identical or similar to that of the plaintiffs' ARCHEAN trademark or artistic work or in any other manner whatsoever.

c) the Defendant be ordered to surrender to plaintiffs for destruction of all products, labels, cartons, dyes, blocks, moulds, screen prints, packing



materials and other materials bearing the trademark ARCHEAN or any mark
deceptively similar to plaintiffs' trademark ARCHEAN.

d) a preliminary decree be passed in favour of the Plaintiffs directing
the Defendant to render account of profits made by use of trademark
ARCHEAN label and a final decree be passed in favour of the Plaintiffs for
the amount of profits thus found to have been made by the Defendant after
the latter have rendered accounts.

e) for costs of the suit; and

f) pass such further or other reliefs as this Hon'ble Court may deem
fit and necessary in the circumstances of the case and thereby render justice.

For Plaintiff : M/s.R.Satish Kumar

For Defendant : Mr.N.P.Vijay Kumar



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JUDGEMENT

In the above matter, on 13.09.2023, an affidavit dated 12.09.2023 had been filed by the defendant, wherein the defendant has given the following undertakings:-

" I further state that my proprietary business name is ARCHEAN GRANITES and all my registrations are issued in the said name. I am taking steps to change the said name ARCHEAN GRANITES and I am making representations to various regulatory authorities to change the said name which would take about 6-9 months time as there are various regulatory approvals and process involved to get the name change done. Till such time, I am constrained to use the trade name "ARCHEAN GRANITES" as all my registrations are issued with the said name. I seek the indulgence of this Hon'ble Court in this regard as I will suffer irreparable loss and injury if I am prevented from using the said trade name and my business would come to grinding



halt. I state that my business is completely different from that of the Applicant. I deal with Limestone powder, Cem power, hydrated limestone and also deal in granites. The customers to whom I export are different from that of plaintiff. The nature of granite that I export is slabs of granite and not cobbled stones. The granite that I export is from my own mine and therefore there is no loss/injury that would be suffered by the Applicant in the interim.

Sl.No.	Products Exported by Plaintiff	Products Exported by Defendant
1.	Unpolished Granite Stones and Cobbled Stones and Trimmed Cobbled Stones.	Brushed & Polished Granite Random Slabs (One Side Polished)

2. On 14.09.2023, Mr. R. Satish Kumar, who had appeared for the plaintiff had sought time to get instructions. Today, he would submit that his client has no objection provided that the defendant effect the change within a period of 3 to 4 months. However, taking into account



the fact that the change has to be effected before public authority, I feel that the defendant should be given at least 6 months time from today to change their name.

3. The affidavit dated 12.09.2023 is taken on file and the suit is decreed in terms of the undertaking given in the affidavit. Consequently, the connected applications are closed. The order of injunction earlier granted is also closed. No costs.

25.09.2023

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation:Yes/No
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