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C.S.(Comm.Div.)No.240 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

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THE HONOURABLE MS. JUSTICE P.T.ASHA

C.S.(COMM.DIV).No.240 of 2022

and

O.A.No.770 of 2022

and A.No.5655 of 2022

1.Mrs. Veena Kumravel

2.Grooms India Salon & Spa Private Limited,
Rep. by its Director,
Mrs.Veena Kumravel,
No.9/BGanga Griha, 1st Floor,
Nungambakkam High Road,
Chennai - 600034.
Tamil Nadu - India.

...Plaintiffs

Vs.

My dear Cosmetics Private Limited
Having its registered office at
S1/1A, Ground Floor, USA Tower,
Azad Puri New Delhi - 110033.

Also at:-

Jagadhri Road, Ambala Cantonment,
Khojkipur, Haryana - 133006.

...Defendant



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PLAINT FILED UNDER ORDER IV RULE 1 OF OF O.S. RULES AND
ORDER VII RULE 1 OF C.P.C. READ WITH SECTIONS 27, 134 & 135
OF THE TRADEMARKS ACT, 1999 & PROVISIO 1 TO SECTION 7 OF
THE COMMERCIAL COURTS ACT, praying to grant a judgement and
decree on the following terms:-

a. A permanent injunction restraining the Defendant, their management. members, affiliates, directors, servants. officers, employees, representatives. agents and all other persons claiming under them or acting in concert with them or on their behalf or acting on their instructions, from using the mark '**NATURAL**' or any other mark identical and/or deceptively similar thereto from the Plaintiff's registered trademark/label **NATURAL** under the application numbers 3753831, 375833, 3605309, 1414842 by the Defendants in the goods sold by them in any manner whatsoever.

b. A permanent injunction restraining the Defendant, their management, members, affiliates, directors, servants, officers, employees, representatives, agents and all other persons claiming under them or acting in concert with them or on their behalf or acting on their instructions from



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using the mark **NATURALS** by registering the mark **NATURALS** by the Defendant their management, members, affiliates, directors, servants, officers, employees. representatives, agents and all other persons as a Company's name in any possible manner in whatsoever

c. A permanent injunction restraining the Defendant, their partners, their employees. officers, servants, agents and all others acting for and on their behalf from manufacturing, selling, distributing, exporting, advertising. offering for sale, and in any other manner, directly or indirectly, dealing with any products in the name of "**NATURAL**" and/or **NATURAL'S** in providing Services and selling Goods using the mark **NATURALS** in the retail market and its formative marks amounting to passing off.

d. A permanent injunction restraining the Defendant, their partners, their employees, officers, servants, agents and all others acting for and on their behalf from manufacturing, selling, distributing, exporting, advertising, offering for sale, and in any other manner, directly or indirectly



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from diluting and tarnishing the Plaintiff's goodwill and reputation of mark trademark from committing infringement of the Plaintiff's registered trademark under numbers 3753831, 375833, 3605309 and 1414842 and from passing off trademark in respect of the mark "NATURALS" in any manner whatsoever.

e. A preliminary decree be passed in favour of the Plaintiff directing the Defendant to render true and proper accounts of the profits arising out of the amount of sales generated by the defendant in respect of their alleged activities bearing the mark 'NATURALS' in providing Services and selling Goods using the mark 'NATURALS' in the retail market.

f. for entire costs of the suit; and

g. pass such further or other orders as this Hon'ble Court may deem fit and necessary under the facts and circumstances of the case.

For Plaintiffs : Mr.M.S.Bharath

For Defendant : Mr.Arun C. Mohan



JUDGEMENT

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The learned counsel for the Plaintiff seeks permission of this Court to withdraw the suit in the light of Paragraph No.23 of the written statement and he has also made an endorsement to that effect. The relevant portion of the Para.No.23 of the written statement is extracted as follows:-

" Additionally, the plaintiff and defendant are completely in different fields of business and activities. The plaintiffs carry on business of hair and beauty salon and related beautification courses whereas the defendant is engaged in the manufacturing and selling of herbal based cosmetic products. There is absolutely no connection or overlapping of businesses. The defendant does not render any services of hair cutting, hair grooming, beauty salon, etc. Therefore there is no confusion whatsoever that may be caused, since for the last so many years, the defendant has been carrying on business openly in the name of 'Natural' & 'Natural's'."



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WEB COPY 2. In view of the submission and endorsement made by the learned counsel for the Plaintiff, this Suit is dismissed as withdrawn. Consequently, the connected applications are closed. No costs.

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Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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