



C.S.No.775 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.12.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

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1.Vennila Clothing Company

Rep.by its Partner R.Nagarajan @ K.R. Nagarajan,
At Ramraj Cotton, 100 ,Pondy Bazaar,
Chennai - 600 017.

2.R.Nagarajan @ K.R.Nagarajan

... Plaintiffs

-VS-

1.M/s.ARRS Silks,

A Partnership Firm ,
No.2, Old Bangalore Road,
Hosur - 635 109.
Rep. by its Partner S.Ravichandran.

2.S.Ravichandran

3.M/s.Ravirams,

A Proprietary Concern,
Proprietor S.Ravichandran,
No.2, Old Bangalore Road,
Hosur-635 109.
Show Room at, No.119, 2nd Agraharam,
Salem - 636 001.

... Defendants



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PRAYER: Plaintiff filed under Order IV Rule 1 O.S.Rules read with Order VII Rule 1 of CPC Along with Sections 27, 28 and 29, 134 and 135 of the Trade Marks Act, 1999, read with Sections 51, 55 and 62 of the Copyright Act, 1957, pleased to

(a) A perpetual injunction restraining the Defendants by themselves or their men, partners, proprietors, stockist, dealers, servants, agents, franchisees, successors in interest, licensees, assignees, representatives branches or any of them claiming through or under them from in any manner **infringing** the Plaintiffs Registered Trademark "RAMRAJ/RAJARAM/RAJRAM" by use of the same or any identical, deceptively similar label "RAVIRAM's/"RAVIRAM" or any identical or deceptively similar label for opening or conducting exclusive show rooms or by use as a Service mark or in any other manner whatsoever;

(b) A perpetual injunction restraining the Defendants by themselves or their men, partners, proprietors, stockiest, dealers, servants, agents, franchisees, successors in interest, licensees,



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assignees, representatives branches or any of them claiming through or under them from in any manner **passing off** or enabling passing off of the Defendants goods under the label "RAVIRAM'S" as and for that of the Plaintiffs goods by the use of the Plaintiffs Registered Trademark "RAMRAJ" / "RAJRAM" / "RAJARAM" / "RAJARAMA" / or any Trade mark deceptively similar there to whether used as a service mark in the show room or as a Trade Mark affixed upon goods or in any other manner whatsoever;

(c) A perpetual injunction restraining the Defendants by themselves or their men, partners, proprietors, stockist, dealers, servants, agents, franchisees, successors in interest, licensees, assignees, representatives branches or any of them claiming through or under them from in any manner infringing the Plaintiffs **copyright** over the artistic work, colour scheme, layout, get-up and lettering style, trade dress in the registered label "RAMRAJ" by use of "RAVIRAM's" label with or without the "RR" Logo or any mark / label deceptively similar to that of the Plaintiffs artistic work / label



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or by use of identical or deceptively similar trading style and / or artistic work or in any other manner whatsoever;

(d) A perpetual injunction restraining the Defendants by themselves or their men, partners, proprietors, stockist, dealers, servants, agents, franchisees, successors in interest, licensees, assignees, representatives branches or any of them claiming through or under them from in any manner violating the statutory and common law rights of the Plaintiffs by use of **Trade Dress** of the Plaintiff or deceptively similar **Trade dress** by the Defendants employing identical or deceptively similar Trade Mark and / or Trade Dress with or without the trademark "RAVIRAM'S / RR LOGO.

(e) The Defendants be ordered to surrender to the Plaintiffs for destruction all goods, name boards, packing materials, printer bills, cartons, collar, tag, sachets, labels and other materials bearing the Trademark "RAVIRAM's" along with artwork which is identical with and / or deceptively similar to that of the Plaintiff's registered trade



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mark label "RAMRAJ / RAJARAM / RAJRAM";

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(f) The Defendants be ordered to prepare and submit an account of profits made by them by the unlawful use of the Trade Mark label / trade dress of the Plaintiffs and thereafter to pass a final decree upon ascertaining the accounts, in favour of the Plaintiffs and against the Defendants;

(g) The Defendants be ordered to pay damages of sum of Rs.1,00,00,000/- (Rupees One Crore only) for the notional loss.

(h) For the costs of the suit.

For Plaintiffs : Mr.A.Swaminathan

For Defendants : Mr.S.Ramachandran

JUDGMENT

The parties to the suit have reached a settlement and recorded the terms thereof in a joint memorandum of compromise dated 30.11.2023 (the Joint MOC). The Joint MOC has been signed by a



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partner of the first plaintiff and by the second plaintiff. It is also signed by each of the defendants. The respective counsel have also signed the same.

2. Under the joint memorandum of compromise, the defendants have undertaken not to use the trade mark RAVIRAM / RAVIRAM's and have further agreed to take necessary steps to cancel the registered trade mark RAVIRAM's under Trade Mark No.3102490. Clause 6 of the Joint MOC is as under:

"6. The Plaintiffs and Defendants pray that the above suit may be decreed in terms of Prayers (a), (b), (c) and (d) of Paragraph of the Complaint and Subject to the above undertakings tendered by the Defendants, the Plaintiffs are willing to give up the reliefs under Prayers (e), (f), (g) and (h) of the Suit in view of this Joint Memorandum of Compromise."

3. Upon examining the terms of the Joint MOC, I see no legal



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impediment to the issuance of a decree in terms thereof.

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4. Accordingly, C.S.No.775 of 2017 is decreed in terms of prayers (a), (b), (c) and (d) of unnumbered paragraph 33 of the plaint. The reliefs claimed under prayers (e), (f), (g) and (h) of the said paragraph are rejected. The joint memorandum of compromise dated 30.11.2023 shall form an integral part of the decree. In view of the settlement, there will be no order as to costs.

12.12.2023

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Index : Yes / No

Internet : Yes / No



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