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C.S.(Comm.Div.)No.750 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.S.(Comm.Div.)No.750 of 2018

and

A.No.1703 of 2021

Hatsun Agro Product Ltd,
Having registered office at,
No.1/20-A, Rajiv Gandhi Salai (OMR),
Karapakkam, Chennai – 600 097 and also
carrying on its business at
Old No.AD-83/New No.AD13,
Anna Nagar, Opp IOB Towers Branch,
Chennai – 600 040.

... Plaintiff

Vs

M/s.Mega Cream & Food Center,
A Partnership Firm,
Represented by its Partners
Mr.H.Chezhian & Mrs. C.Sarala Devi,
Having Office at,
NO.138, Brickline Road, Otteri, Chennai – 600 012.
(Amended as per order dated 24.09.2020
in A.No.2114 of 2020)

... Defendant

Prayer: This Civil Suit is filed under Order IV Rule 1 of the Original Side Rules and Order VII Rule 1 of CPC read with Sections 29 and 134 of the Trade Marks Act, 1999 and Sections 2(1)(c)(viii) and 7 of the Commercial Courts Act, 2015, prayed for a Judgment and Decree:-



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a) For permanent injunction restraining the defendant by itself, its agents, servants or any one claiming through it from in any manner infringing the plaintiff's Trade Marks "ARUN" by using the trademark "VARUN" or any other mark or marks which are in any way identical or deceptively similar or colourable imitation of the Plaintiff's registered trademarks as described in the Schedule to the plaint;

b) For Permanent injunction restraining the defendant by itself, its servants or agents or anyone claiming through it from in any manner passing off its products as that of the plaintiff by using the offending trademark "VARUN" which are similar, deceptively similar and identical to the Plaintiff's trademark, "ARUN" or by using any other trademark which is similar, deceptively similar or identical to that of the plaintiff's trademark "ARUN" by manufacturing or selling or offering for sale or in any manner advertising the same;

c) directing the defendant to surrender to the Plaintiff the entire products with the offending labels, stocks with offending labels together with the blocks and dies, name boards, sign boards etc for destruction;

d) directing the defendant to render true and faithful accounts of the profits earned by them through the sale of the offending products bearing the offending trademark label and directing payment of such profits to the plaintiff;

e) directing the defendant to pay to the plaintiff the cost of the suit.



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For Plaintiff : M/s.Aiswarya Y.K. for Surana & Surana

For Defendant : Mr.S.Balasubramaniam

JUDGMENT

Today, when the matter is taken up for hearing, the learned Counsel for the defendant has filed an affidavit on behalf of the defendant undertaking to alter the Trade Mark. The affidavit has signed by the partner of the defendant which is dated 14.02.2023. It has also been signed by the learned Counsel for the defendant.

2.Since the partner has agreed to the terms of affidavit, the same is recorded and accordingly this Civil Suit is decreed as prayed for. A copy of the affidavit together with the annexure shall form part of the decree. No costs. Consequently, connected applications are closed.

16.02.2023

Index : Yes / No

Neutral Citation: Yes / No

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