



C.S. (Comm. Div.) No.26 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.S. (Comm. Div.) No.26 of 2024 and

O.A.Nos.83 and 84 of 2024

Sri Veeras Creations

Rep. by

Sole Proprietor

S.V.Balasubramani

No.51-52/1, M.C. Road

Old Washermanpet

Chennai - 600 021

... Plaintiff

Vs.

Madurai Veeras Fashion

Rep. by

V.Radhakrishnan

(Partner of Saravanaas)

No.277, Kamarajar Salar

Near Villakkuthoon

Keelavasal, madurai - 625009

... Defendant

Prayer: The plaint is filed under Order IV Rule 1 of the Madras High Court Original Side Rules read with Order VII Rule 1 of the Code of



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Civil Procedure with Section 28, 29, 134 and 135 of the Trade Marks Act, 1999 and Proviso 1 to Section 7 of the Commercial Courts Act, 2015, praying to pass judgment and decree against the defendant on the following terms:

a. An Permanent injunction restraining the defendant by themselves or their men, partners, proprietors, stockists, dealers, servants, agents, franchises, successors and interest, licensees, assignees, representatives or any of them from in any manner infringing his registered trade mark under No.2120621 in class 35 with brand of the plaintiff by use of the pose with trade mark "MADURAI VEERAS FASHION" or any device or brand or mark deceptively similar to that of his registered trade mark or by use of identical or deceptively similar trading style or in any other manner whatsoever;

b) An permanent injunction restraining the defendant by themselves or their men, partners, proprietors, stockists, dealers, servants, agents, franchises, successors and interest, licensees, assignees, representatives or any of them from in any manner passing off or enabling passing off of the defendant's textile business under the brand "MADURAI VEERAS FASHION" with the trade mark "MADURAI VEERAS FASHION" or any other deceptively similar brand or trade mark as and for the goods of the plaintiff under the registered trade mark



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"SRI VEERAS CREATIONS" or in any other manner whatsoever, pending disposal of the suit;

c) The defendant be ordered to pay to the plaintiff a sum of Rs.1,00,000/- (Rupees One Lakh Only) as damages for committing infringement of trademarks and passing off its products as and for the plaintiffs products or services.

d) The defendant be ordered to surrender to plaintiffs destruction of all products, labels, cartons, dyes, blocks, moulds, screen prints, packing materials and other materials bearing the trademark MADURAI VEERAS FASHION or any mark deceptively similar to plaintiff's trademark SRI VEERAS CREATIONS.

e) A preliminary decree be passed in favour of the plaintiffs directing the defendant to render account of profits made by use of trademark Madurai Veeras Fashion labels 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 and

f) For the cost of the suit; and

For Plaintiff : Mr.P.Gnana Sekaran

For Defendant : Mr.N.R.Srinath



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JUDGMENT

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This suit is filed by the plaintiff for (a) a permanent injunction restraining the defendant from in any manner infringing his registered trade mark under No.2120621 in class 35 with brand of the plaintiff by use of the pose with trade mark "MADURAI VEERAS FASHION" or any device or brand or mark deceptively similar to that of his registered trade mark, (b) permanent injunction restraining the defendant from in any manner passing off the defendant's textile business, (c) Ordering the defendant to pay to the plaintiff a sum of Rs.1,00,000/- (Rupees One Lakh Only) as damages for committing infringement of trademarks and passing-off its products as and for the plaintiff's products or services, (d) Ordering the defendant to surrender to plaintiff destruction of all products and other materials bearing the trademark MADURAI VEERAS FASHION or any mark deceptively similar to plaintiff's trademark SRI VEERAS CREATIONS, (e) a preliminary decree in favour of the plaintiff directing



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the defendant to render account of profits made by use of trademark Madurai Veeras Fashion labels and a final decree in favour of the plaintiff for the amount of profits thus found to have been made by the defendant after the latter have rendered accounts and (f) for the costs of the suit.

2. Both the plaintiff and the defendant appeared before this Court through video conferencing and they have accepted that they have entered into a memorandum of compromise between them. The terms and conditions of the memorandum of compromise have been reduced into writing. Both the parties have admitted that they understood the terms and conditions mentioned in the memorandum of compromise dated 16.04.2024 and they have also accepted the terms and conditions mentioned therein.

3. In view of the above, this suit is decreed in terms of memorandum of compromise dated 16.04.2024. The said memorandum of compromise shall form part and parcel of this decree.



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4. Consequently, connected applications are closed.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

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P.VELMURUGAN. J.

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