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C.S. (Comm. Div.) No.68 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.S. (Comm. Div.) No.68 of 2024 and
A.Nos.1668, 1669 and 3161 of 2024 and
O.A.No.229 of 2024

M/s.Velammal Vidhyashram
Rep. by its Managing Trustee Mr.MVM.Velmurugan
S/o.Mr.MV.Muthuramalingam
having their head office at
Velammal Gardens, 21A Arudra Street
TS Krishna Nagar, Mogappair, Chennai - 600037

Also at
No.158C, 995
2nd Avenue, Anna Nagar West
Anna Nagar
Chennai - 600 040

... Plaintiff

Vs.

M/s.Siddhartha Matriculation Higher Secondary School
Rep. by its Founder Prof. Dr.G.Ponnusamy
FCI Colony, Sevvapet
Tiruvallur District - 602025

... Defendant



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Prayer: The plaint is filed under Order VII Rule 1 Code of Civil Procedure read with Section 134 & 135 of Trademark Act, 1999, read with Section 2(1)(C)(xvii) of Commercial Courts Act, 2015 read with Order IV Rule 1 of Original Side Rules, praying to pass judgment and decree against the defendant on the following terms:

- a. A permanent injunction restraining the defendant from infringing the plaintiff's trademark or any word or words in combination similar to plaintiff's trademark.
- b. a mandatory direction directing the defendant to remove all references on its various platforms in various combinations in the search engine of the defendant.
- c. a direction directing the defendant to render the accounts of profits earned by the defendant by reason of infringing the trademark of the plaintiff.
- d. Costs of the present application be awarded to the plaintiff.

For Plaintiff : Mr.R.Prabhakaran
For defendant : Sole defendant died



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JUDGMENT

It is seen that the present plaint has been prepared on 05.01.2024 and filed before this Court on 20.03.2024 and that the suit summons taken on the sole defendant has been returned for the reason that the sole defendant died on 10.05.2023 itself.

2. Since the suit itself is filed against a dead person, this suit is dismissed. No costs. Consequently, the connected applications are closed.

3. However, the plaintiff is at liberty to work out his remedy in the manner known to law against the legal heirs of the sole defendant.

01.07.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

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