



Application No.2849 of 2024
in C.S.(Comm Div) No.324 of 2023

P.VELMURUGAN, J

This is an application filed by the applicants/plaintiffs seeking to set aside the dismissal order dated 29.04.2024 passed in C.S.(Comm Div) No.324 of 2023 and to restore the same.

2. Heard the learned counsel for the applicants/plaintiffs and the respective learned counsel appearing for the respondents.

3. Earlier, the applicants/plaintiffs had filed the said suit seeking permanent injunction against the respondents/defendants for infringement of the trademark and copyright. However, the said suit was dismissed for default on 29.04.2024. To set aside the said dismissal order, the applicants/plaintiffs have filed this application.

4. Notice was served to the respondents in this application on 18.6.2024. The respondents have filed a counter stating that they are, in no way, connected with the applicants/plaintiffs, that the respondents are permanent residents of Jabalpur, that the applicants/plaintiffs, with an intention to harass the respondents and to extract money from them, had filed the said suit before this



Court, that the said suit itself is not maintainable and that this application is liable to be dismissed.

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5. The said suit has been filed by the applicants/plaintiffs seeking the relief of permanent injunction as against the respondents for infringement of trademark and copyright. As the respondents did not file their written statement, they were set exparte on 08.04.2024 in the main suit. Subsequently, when the said suit came up for hearing before this Court on 25.04.2024, this Court had directed P.W.1 to appear before the Master on 26.04.2024 for recording proof affidavit and for marking of documents and posted the matter on 29.04.2024 for judgment. Since the order of this Court dated 25.04.2024, has not been complied with the applicants/plaintiffs, this Court dismissed the said suit for default on 29.04.2024. On a reading of the averments, it is seen that the agreement entered into between the applicants/plaintiffs and the respondents is executed at Chennai.

6. Though this Court is not satisfied with the reasons stated in the affidavit filed in support of this application, in order to give an opportunity to the applicants/plaintiffs, this application is allowed on payment of a sum of Rs.50,000/- (Rupees Fifty thousand only) towards costs to the respondents.



The applicants are directed to pay the said costs to the respondents on or before
12.08.2024.

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7. List the matter on 14.08.2024 for reporting compliance.

30.07.2024

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