



WEB COPY



O.S.A. (CAD) NO.74 OF 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2024

CORAM:

THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.S.A. (CAD) NO.74 OF 2021 and C.M.P. No.14610 of 2021

POORLIYA MOBILES WORLD AND ELECTRONICS
NO.58-D, NORTH MAIN ROAD
VALLIOOR
TIRUNELVELI DISTRICT
TAMIL NADU 627 117
REPRESENTED BY ITS PROPRIETOR
J.MUTHUKRISHNAN

APPELLANT

VS.

1. KANNI UVARAJ

2. POORVIKA MOBILES PVT. LTD.
NO.30, ARCOT ROAD
KODAMBAKKAM
CHENNAI 600 024
REPRESENTED BY ITS DIRECTOR UVARAJ

RESPONDENTS

Original Side Appeal filed under Section 13 of the Commercial Courts Act seeking to set aside the judgment and decree dated 17.08.2021 passed in C.S. No.878 of 2015.

For appellant Ms. A. Priya
 for Mr. S. Joel

For respondents Mr. M.R. Gokul Krishnan



WEB COPY



O.S.A. (CAD) NO.74 Of 2021

JUDGMENT

(delivered by the Hon'ble The Chief Justice)

After the appeal was heard for sometime, on the suggestion made by the Court, counsel for appellant stated that decree passed by the Trial Court was acceptable to them. At the same time, counsel stated that a nominal amount can be directed by the Court to be paid by appellant to respondents as damages.

2. Counsel for respondents stated that appellant be directed to pay a sum of Rs.1 lakh as damages in full and final settlement together with an undertaking not to use the registered trademark as decreed.

3. Ms. Priya, counsel for appellant, on instructions, stated that the condition of respondents was acceptable, that is to say, registered trademark of respondents shall not be infringed by appellant and the amount of Rs. 1 lakh in full and final settlement towards damages shall be paid within a period of four weeks, *i.e.*, on or before 31.12.2024.

4. Statement of counsel for appellant is accepted as undertaking.



O.S.A. (CAD) NO.74 Of 2021

WEB COPY

5. Appeal is disposed of. No costs. Consequently, connected interim application stands closed.

(K.R.SHRIRAM,C.J.) (SENTHILKUMARRAMAMOORTHY,J.)

02-12-2024

cad



WEB COPY



O.S.A. (CAD) NO.74 OF 2021

**THE HON'BLE CHIEF JUSTICE
and
SENTHILKUMARAMAMOORTHY, J.**

cad

O.S.A. (CAD) NO.74 OF 2021

02.12.2024