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C.S. (COMM.DIV.) No.66 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.03.2024

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.S. (COMM.DIV.) No.66 of 2021

Hatsun Agro Product Ltd.,
represented by its Authorised Signatory

.. Plaintiff

/versus/

A.Mohamed Ariff

.. Defendants

Prayer: Civil Suit has been filed under Order VII, Rule 1 of the Code of Civil Procedure, 1908 read with Order IV Rule 1 of the High Court Original Side Rules and Sections 134 & 135 of the Trade Marks Act, 1999 and Section 7 of the Commercial Courts Act, 2015 prays for judgment and decree:

a)For a permanent injunction restraining the Defendant by himself, his heirs, legal representatives, successors-in-business, agents, servants, distributors or any one claiming through her from in any manner infringing the Plaintiff's registered trademark AROKYA by using the mark AROKYA or any other deceptively similar mark in any manner whatsoever causing infringement to the Plaintiff's registered trademark as described in the Schedule to the Plaint;

b)For a permanent injunction restraining the Defendant, by himself, his heirs, legal representatives, successors-in-business, agents, servants, distributors or any one claiming through them in any manner whatsoever



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from passing off and enabling others to pass off the Defendant's business as that of the Plaintiff's by using the mark AROKYA or any other mark which is deceptively similar or identical to the Plaintiff's trademark AROKYA in any manner whatsoever;

c)Directing the Defendant to surrender to the Plaintiff all the products and stocks with the offending labels, together with the blocks, 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 products bearing the offending trademark labels and directing payment of such profits to the Plaintiff;

e)Directing the Defendant to pay to the Plaintiff a sum of Rs.1,00,000/- as damages for committing acts of infringement of trademark and passing off.

For Plaintiff : Mr.G.Kalyan Jhabakh

For Defendant : Mr.R.Sathish Kumar

J U D G M E N T

A Memorandum of Compromise dated 27.03.2024 has been filed before this Court under which the parties have arrived at a settlement. The Memorandum of Compromise has been signed by both the parties and countersigned by both the counsels.



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2.In terms of the Memorandum of Compromise dated 27.03.2024,
this suit is decreed. The Memorandum of Compromise shall form part of
this judgment.

27.03.2024

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ABDUL QUDDHOSE, J.

vga

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