



C.S.(Comm.Div.) No.247 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

Coram:

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN**

C.S.(COMM.DIV.)No.247 of 2023

M/s.Govche India Private Limited

Represented by its Manager/Authorised Signatory

Shunmuganathan Arjunan

Old No.13, New No.22, 2nd Floor

TNGO Colony, West Karikalan Street

Adambakkam, Chennai - 600 088

... Plaintiff

Vs.

Mr.Naveeth Kumar G R,

472, Gandhi Nagar, Konamoolai (P.O),

Sathyamangalam-638402, Tamil Nadu, India

Having Business address at

New No.6 A, Old No.30 A, 3rd Street GF2-Ground Floor,

Vinayakapuram, Arumbakkam, Chennai,

Tamil Nadu-600 106.

...Defendant

**Prayer:** Complaint filed under Order VII Rule 1 CPC, read with Order IV Rule 1 of O.S. Rules; Sections 27, 134 and 135 of the Trademarks Act, 1999, praying to pass judgment and decree as follows;



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a) A permanent injunction restraining the defendant, all their principal officers, staff, men, agent, servants, successors, assigns in business, representatives and any other person from passing off his /their goods by using the word mark "KANAKKIYAL" or any other word/words/logo/artistic work/design/device that are identical or deceptively similar to the said mark of the plaintiff in respect of providing similar services and thereby restraining the defendant in any manner from passing off and thus render justice.

b) That the defendant be ordered and directed to pay to plaintiff a sum of Rs.4,00,000 (Rupees Four Lakhs Only) by way of damages.

c) A preliminary Decree be passed in favor of the plaintiff directing the defendant to render a true and faithful accounts of all profit made by him, using the plaintiff's said Trademark and a final decree be passed in favour of the plaintiff for the amount of profit thus found to have been made by the defendant, together with interest, after the defendant has rendered accounts.

d) That the defendant be directed to deliver-up to the plaintiff for destruction, all labels, all other print materials, stickers, signage, visiting cards letter heads, catalogues, pamphlets, brochures, all other advertising and promotional material, all stationary, websites and such othe material used for passing off and

e) for the costs of the suit.

|               |                   |
|---------------|-------------------|
| For Plaintiff | : Mr.Manikandan.B |
| For Defendant | : Mr.A.Vimal Raj  |



C.S.(Comm.Div.) No.247 of 2023

## JUDGMENT

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When the matter came before this Court on 28.03.2024, the learned counsel for the plaintiff submitted that he was informed that the defendant is no more and since there was no representation for the defendant, the matter was adjourned to 18.04.2024.

2. Today (18.04.2024), when the matter is taken up for hearing, no steps have been taken by the plaintiff to bring the legal heirs of the defendant.

3. Therefore, the suit is dismissed for default. No costs.

18.04.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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C.S.(Comm.Div.) No.247 of 2023

**P.VELMURUGAN. J.**

Ksa-2

C.S.(COMM.DIV.) No.247 of 2023

18.04.2024