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O.A.Nos.621, 622, 623 & 624 of 2024
in C.S.(Comm.Div) No.162 of 2024

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ABDUL QUDDHOSE, J

As directed by this Court, notice was sent to the respondent privately. Notice has been duly served on the respondent/defendant as seen from the delivery report filed along with the affidavit of service. The name of the respondent has also been printed in the cause list today.

2. The suit has been filed for infringement and passing off. The plaintiff is the registered proprietor of MRF series of marks. The details are disclosed in the plaint as well as in the affidavits filed in support of these applications. The plaintiff also claims copy right over its logo. Supporting documents have been filed along with the plaint in support of the plaint averments. The defendant was a dealer of the plaintiff. The dealership has been terminated by the plaintiff on 10.03.2022. The copy of the termination notice has also been filed along with the plaint. The suit has been filed not only for trademark infringement, passing off and copy right infringement, but also for damages on account of the usage of



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the plaintiff's trademark and copy right by the defendant, who continues to use the MRF trademark and continues to use the copy right with regard to the plaintiff's label. A cease and desist notice was also sent by the plaintiff on 12.07.2022 to the defendant prior to the institution of the suit. Despite acknowledging the same, the plaintiff claims that the defendant continues to infringe the trademark of the plaintiff and also continues to infringe the plaintiff's copy right over its label.

3. This Court has perused and examined the documents filed along with the plaint and after giving due consideration to the averments contained in the plaint as well as in the affidavits filed in support of these applications, this Court is of the considered view that a *prima facie* case has been made out by the plaintiff for the grant of interim injunction as prayed for in these applications. The balance of convenience and irreparable hardship has also been established. Since the respondent has been duly served with the notice in these applications, they are set *ex parte* by this Court.



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Accordingly, the interim injunction as prayed for in O.A.Nos.621, 622, 623 & 624 of 2024 in C.S.(Comm.Div) No.162 of 2024 is granted in favour of the applicant/plaintiff and the said applications are allowed as prayed for.

04.12.2024

gm



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