



C.S. (Comm.Div) No.73 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 29.11.2024**

**Coram**

**THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE**

**C.S. (Comm.Div) No.73 of 2022**

Mediclone Biotech Private Limited,  
Block-B, 36/37, "Millenium House",  
M.K.Srinivasan Nagar Main Road,  
Perungudi, Chennai - 600 096.

.. Plaintiff

Vs.

1.Mediclone Health Care Private Limited

2.Mr.Sujath Ali Kasmal Abdul,  
10/1, Lakshmipuram 2nd Street,  
Royapettah, Chennai - 600 014.

..Defendants

Civil Suit filed under Ordinary Original Civil Jurisdiction  
seeking to grant a judgment and decree against the defendants:

(a) granting a permanent injunction restraining both the defendants by  
himself/themselves, their servants, agents distributors, or anyone  
claiming through them from infringing the trademark "MEDICLONE"  
and in/get-up of the defendants or as their trademark/trading style or  
corporate name using any other trademark which is in any way visually,  
phonetically or deceptively similar to the plaintiff's trademark and to



restrain the defendants, their servants, agents, distributors or anyone claiming through them from using letter heads, exhibits, sale bills or any other material containing the trademark "MEDICLONE" and identical get-up or as their trademark/trading style or corporate name/or by using any other trademark which is in way visually, phonetically or deceptively similar to the plaintiff's trademark.

- (b) granting the permanent injunction against the defendant from passing off the Trade Mark/Trade Name "MEDICLONE" in their products and services or deceptively similar characters in any way visually, phonetically or deceptively similar to the Plaintiff's trademark and to restrain the defendants, their servants, agents, distributors, or anyone claiming through them from using with the Trademark "MEDICLONE" or by using any other deceptively similar characters in any way phonetically to the plaintiff's trademark.
- (c) the defendants be ordered to surrender to the plaintiff's for and/or deceptively similar to that of the plaintiff's registered trademark label "MEDICLONE" and the use of the same in respect of the product and service or any other or use the mark in invoices, letterheads and visiting cards or any other literature or using any other trademark which is in any way visually or phonetically similar to the plaintiff's registered trademark or in any manner infringing the plaintiff's registered Trademark referred herein.
- (d) The defendants to be ordered to prepare and submits an account of profits made by them by the unlawful use of the trademark "MEDICLONE" in



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their products and services and/or in the head mark of the goods of the plaintiff's and thereafter to pass a final decree upon ascertaining the accounts in favour of the plaintiff for the amount of the profit found to have been made by the defendants after the defendants have tendered their accounts.

(e) the defendants to be ordered to pay the costs of the suit.

For Plaintiff : Mr.S.Sachin Priya Daniel  
for M/s.Aran Law Associates

For Defendants : Mr.J.Pravin  
for Mr.P.Jesus Moris Ravi

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### **JUDGMENT**

This suit has been filed seeking permanent injunction against the defendants in relation to the use of Trademark "MEDICLONE" by the defendants and for other consequential reliefs.

A Memorandum of Joint Compromise dated 29.11.2024 has been filed by the parties to the suit. As seen from the same, the parties have arrived at an amicable settlement. In terms of the Memorandum of Joint

**ABDUL QUDDHOSE, J**

gm

Compromise dated 29.11.2024, the suit is decreed. The Memorandum of



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Joint Compromise dated 29.11.2024 shall form part of this judgment. No costs.

**29.11.2024**

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order  
gm

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