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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.S.No.36 of 2017

Mr.G.Arivazhagan,
Proprietor – M/s.AB Ceramic Services,
Chennai. .. Plaintiff

/versus/

1.Mrs.C.Balamani,
Proprietor – M/s.Rasi Tiles,
Trichy.

2.Mr.C.Balasubramanian,
Proprietor – M/s.Mohnith Trades,
Trichy. .. Defendants

Prayer: Civil Suit has been filed under Order IV Rule 1 of the Original Side Rules read with Section 22 of the Designs Act, 2000, praying;

(a) to grant a permanent injunction restraining the defendants by themselves, their licensees, distributors, agents, assignees, manufacturers or any one claiming through them from in any manner from committing infringement of copyright in the registered design of 'AB Ceramic Services' of the plaintiff duly registered under Design No.252175, dated 07.03.2013 and 265828, dated 22.09.2014;

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(b) for a direction to the defendants to render a true and faithful accounts of the profits earned by using the pirated design of the 'AB Ceramic Services' and directing the payment of profits by way of damages for infringement committed; and

c)for costs of the suit.

For Plaintiff : No Appearance

For D2 : Mr.R.Ramachandran
For D1 : No Appearance

J U D G M E N T

The learned Additional Master-III has placed this matter before this Court, since there was no representation on the side of the plaintiff on 07.02.2024 and the Case Management Schedule fixed by this Court earlier was not adhered to.

Even today, when the matter is called, there is no representation on the side of the plaintiff. Only the learned counsel for the second defendant is present. It can now be inferred that the plaintiff is not interested in prosecuting this suit. Accordingly, this suit is dismissed for non-prosecution. No Costs.

19.02.2024

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ABDUL QUDDHOSE, J.

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