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(T)OP(TM) No.524 of 2023

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 09.01.2025

CORAM

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

(T)OP(TM) No.524 of 2023
and
C.S.(Comm.Div.)No.141 of 2020

(T)OP(TM) No.524 of 2023

A.D.Padmasingh Isaac

...Petitioner

-VS-

1.M/s.Selvee Indigenous Food Factory India Pvt. Ltd.,
Karaikudi.

2.The Registrar of Trade Marks,
Chennai.

...Respondents

C.S.(Comm.Div.) No.141 of 2020

1.A.D.Padmasingh Isaac

2.M/s.Aachi Masala Foods (P) Ltd.,
Chennai.

.. Plaintiffs

Vs.

1.Jeyasathya Agro Food Products Pvt. Ltd.,
Karaikudi.

2.Selvee Indigenous Food Factory India Pvt. Ltd.,
Karaikudi.

.. Defendants



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Prayer in (T)OP(TM) No.524 of 2023:- This petition is filed seeking to rectify/cancel the registration of the Trade Mark “PARAMPARIYA APPACHI RICE” under No.4048344 in Class 30, dated 07.01.2019.

Prayer in C.S.(Comm.Div.No.141 of 2020:- This suit is filed under order IV Rule of the OS Rules and Order VII Rule 1 of CPC read with Sections 27(2), 29, 134 and 135 of the Trade Marks Act, 1999, seeking,

a) to grant a permanent injunction, restraining the Defendants, by itself, its servants, agents, distributors, or anyone claiming through him from manufacturing, selling, advertising, offering for sale and running the website using same or similar or identical Trade Mark APPACHI or any other similar Trademark or in any media and use the same in invoices, website, letter heads and visiting cards, rice or rice products or any other goods by using any other Trademark which is in any way visually or phonetically similar to the 1st Plaintiff's Trademark AACHI and use the mark in invoices, letters heads and visiting cards or any other trade literature or by using any other Trademark which is in any way visually, or phonetically similar to the Plaintiffs' registered Trademark No. 976559, 1116254, 3370962 and 3371000 or in any manner infringe the 1st Plaintiff's registered Trademark;

(b) to grant a permanent injunction, restraining the Defendants, by itself, its servants, agents, distributors, or anyone claiming through him from manufacturing, selling, advertising, offering for sale and running the website using deceptively and phonetically similar Trade Mark APPACHI or any other similar Trademark or in any media and use the same in invoices, letter heads and visiting cards, rice or rice products or any other goods by using any other trade mark which is in any way visually or deceptively or phonetically similar to the Plaintiffs' Trademark AACHI or use the mark in invoices, letters heads and visiting cards or any other trade literature or by using any other Trademark which is in any way visually, or phonetically similar to the Plaintiffs' Trademark AACHI or in any manner pass off the Plaintiffs' goods;

(c) to direct the Defendants to surrender to the Plaintiffs all the packing material, cartons, advertisement materials and hoardings, letter-heads,



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visiting cards, office stationery and all other materials containing/bearing the name APPACHI or other deceptively or phonetically similar trade mark used in the pouches and packets;

(d) to direct the Defendants to render an account of profits made by them by the use of the impugned Trademark APPACHI and decree the suit for the profits found to have been made by the Defendants, after the Defendants have rendered accounts; and

(e) to direct the Defendants to pay to the Plaintiffs the costs to the suit

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For Petitioner	: Ms.Gladys Daniel
For R1	: Mr.G.K.Muthukumar for Mr.S.K.Chandrakumar
For R2	: Mr.A.R.Sakthivel, SPC

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For Plaintiffs	: Ms.Gladys Daniel
For D2	: Mr.G.K.Muthukumar for Mr.S.K.Chandrakumar

COMMON JUDGMENT

The parties have settled the dispute amicably by entering into a Memorandum of Compromise (MoC) dated 07.01.2025. The said MoC has been signed by the parties to the dispute and counter-signed by the



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respective counsels. In terms of the MoC dated 07.01.2025, the suit as well as OP are disposed of. The said MoC dated 07.01.2025 shall form part of this judgment. No Costs. Registry is directed to draft the decree in terms of this judgment and issue the same to the respective counsels within a period of two weeks from the date of filing of the copy application.

09.01.2025

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ABDUL QUDDHOSE,J.

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