



C.S.(Comm.Div.) No.183 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.04.2025

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

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1.Vasan Publications Private Limited,
Rep. By its Managing Director Mr.B.Srinivasan
757, Anna Salai, Chennai 600 002.

2.Ananda Vikatan Publishers Private Limited,
Rep. By its Managing Director Mr.B.Srinivasan
757, Anna Salai, Chennai 600 002.

... Plaintiffs

-VS-

Vikatan Chits Private Limited (OPC)
Plot No.36-A, Kanniamman Nagar, 2nd Street,
'Sippy Residency' Maduravoyal-Erikkarai,
Chennai, Tamil Nadu, India, 600 095.

... Defendant

PRAYER: Civil Suit (Commercial Division) filed under Order VII Rule 1

C.P.C. Read With Order IV Rule 1 of Original Side Rules Read With

Sections 27, 28, 29, 134 & 135 of the Trade Marks Act, 1999, praying to

grant a judgment and decree on the following terms:-



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(a) A permanent injunction restraining Defendant, their directors, all their principal officers, staff, men, agent, servants, successors, assigns in business, representatives and any other person from infringing the trade mark by using the mark, “VIKATAN” or any other word / words / device that are identical or deceptively similar to the said registered trade mark, “VIKATAN” of the plaintiffs and thereby restraining them from claiming any right through or under Defendant from in any manner infringing the registered trade marks by using trade mark “VIKATAN”.

(b) A permanent injunction restraining the Defendant, their directors, all his principal officers, staff, men, agent, servants, successors, assigns in business, representatives and any other person from passing off his / their services by using the impugned trade mark “VIKATAN”, which is deceptively similar as registered trade mark, “VIKATAN” of the Plaintiffs, or any other word / words / logo / artistic work / design / device that are identical or deceptively similar to the said registered trade mark of the Plaintiffs and thereby restraining the Defendant in any manner from passing off.



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(c) To declare the Plaintiffs' trade mark "VIKATAN" as a well-known trade mark.

(d) That the Defendant be ordered and directed to pay to plaintiffs a sum of Rs.5,00,000/- (Rupees Five Lakhs only) by way of damages.

(e) A preliminary decree be passed in favour of the Plaintiffs directing the defendant to render a true and faithful accounts of all profit made by them, using the Plaintiffs said trade mark and a final decree be passed in favour of the Plaintiffs for the amount of profit thus found to have been made by the defendant, together with interest, after the defendant has rendered accounts.

(f) That the defendant be directed to deliver-up to the Plaintiffs for destructions, all labels, all other print materials, stickers, signage, visiting cards, letter heads, catalogues, pamphlets brochures, all other advertising, and promotional material, all stationary, and such other material used for infringing and violating plaintiff's trade mark.

(g) For the costs of the suit.



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WEB COPY For Plaintiffs : Mr.Ramesh Ganapathy

For Defendant : Mr.V.Senkathiravan (Party in Person)

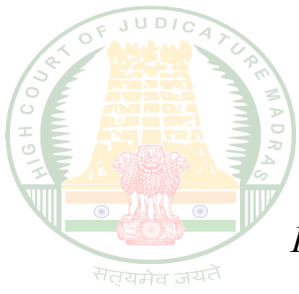
JUDGMENT

The suit was filed seeking relief in respect of alleged infringement of trade mark and passing off by the defendant's use of the mark VIKATAN.

2. Upon receiving notice, the defendant appears in person through Mr.V.Senkathiravan, Director of the defendant. He has placed on record undertaking dated 23.04.2025. In the undertaking, in relevant part, it is stated as under:

“1. I appeared in person before the Hon'ble High Court of Madras on 21.04.2025 in the case CS No.183 of 2024, filed by Vasam Publications Pvt. Ltd. and Ananda Vikatan Publications Pvt. Ltd., and submitted an undertaking on that date.

2. I understand that the Hon'ble Court has already passed an order stopping the use of the name “Vikatan”. I confirm that



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I will fully follow this order.

3. I confirm that I have not started, and will not start, any new chit fund schemes or business using the name “Vikatan Chits” after 21.12.2024.

4. I agree to complete all required steps, including closing existing chit schemes, changing the company name, and filing necessary documents with the Ministry of Corporate Affairs and Income Tax Department, on or before 30.06.2025.

5. I also confirm that I will not use the name “Vikatan” in any way that may cause confusion or make people think my company is connected with the Plaintiffs or their group of companies, now or in the future.

6. During this transition period, I will not use the names “Vikatan” or “Vikatan Chits” in any public materials such as advertisements, name boards, websites, social media, invoices, or any other communication with customers.

7. I will take steps to remove or correct any online references, listings, or search engine entries that wrongly show the “Vikatan” name in relation to my company.

8. After the transition period (after 30.06.2025), I confirm that neither I nor any company or person connected to me will use the name “Vikatan” or any similar name in any business or commercial activity.”



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3. In view of such undertaking, learned counsel for the plaintiff seeks a decree in terms of the prayers at clauses (a) and (b) of paragraph 42 of the plaint. As regards the relief claimed at clause (c), after requesting that such declaration be issued, learned counsel reserves the right to seek such relief either through an appropriate application before the Registrar of Trade Marks or by way of separate proceedings. He also submits that the plaintiffs agree to relinquish their claim for the relief at clauses (d) to (g) of paragraph 42 of the plaint.

4. In the above facts and circumstances, the suit is decreed in terms of the relief claimed at clause (a) and (b) of paragraph 42 of the plaint. The letter of undertaking shall form an integral part of the decree. In view of the settlement, there will be no order as to costs.

23.04.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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SENTHILKUMAR RAMAMOORTHY,J

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