



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

**CS No. 763 of 2014
and OA No. 963 of 2014**

1. Raja Bhandari
Trading As B.B. Corporation
No.3, Davidson Street
Near Broadway, Chennai 600 001.

2. Vijay Bhandari
M/s. Vijay Enterprises
No.3, Ground Floor,
Davidson Street, Broadway,
Chennai 600 001.

..Plaintiff(s)

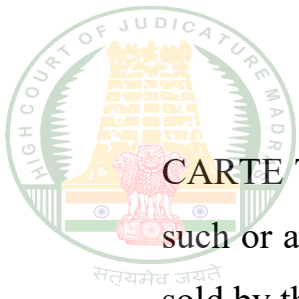
Vs.

1. M/s. N.S. Enterprise
No.3572, Kucha Dayal,
Chawari Bazar, Delhi 110 006.
2. Naman Arora, Partner, M/s. N.S. Enterprise,
No. 3572, Kucha Dayal, Chawari Bazar,
Delhi 110 006.
3. Sandeep Garg, Partner M/s. N.S. Enterprise,
No. 3572, Kucha Dayal, Chawari Bazar,
Delhi 110 006.

..Defendant(s)

Prayer This suit filed under Order IV Rule 1 of OS Rules and Order VII Rule 1 of CPC read with Section 27, 134 & 135 of the Trade Marks Act, 1999, seeking the following reliefs:-

(a) granting a permanent injunction, restraining the defendants by itself, their servants, agents, distributors, or anyone claiming through them from manufacturing, selling and offering for sale using the mark JON CARTE/JON



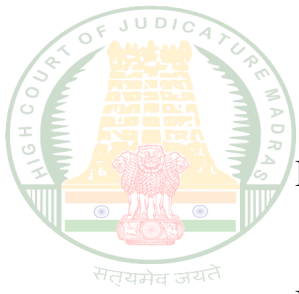
CARTE TOOLS along with/ without the circle enclosed in the square device as such or any mark with the prefix or suffix JON in any goods manufactured and sold by the defendants or in any media and use the same in invoices, letter heads and visiting cards or by using any other trade mark which is in any way visually, or phonetically similar to the plaintiffs registered Trade Marks JON BHANDARI, JOB BHANDARI TOOLS along with the devise or in any manner infringing the plaintiffs registered Trade Mark Nos. 1381049, 1381050, 1381051, 1381052, 1381053, 1381054, 1415762, 1655399, 2400950 respectively;

(b) granting a permanent injunction, restraining the defendants by itself, their servants, agents, distributors, or anyone claiming through them from manufacturing, selling and offering for sale using the Trade Marks JON CARTE/JON CARTE TOOLS with the device as such in any goods manufactured and sold by the defendants or in any media and use the same in invoices, letter heads and visiting cards or by using any other trade mark which is in any way visually, or phonetically similar to the plaintiffs Trade Marks JON BHANDARI, JON BHANDARI TOOLS, JON BHANDARI ABRASIVE with the device or in any manner pass off the plaintiffs goods;

(c) directing the defendants to render an account of profits made by them by the use of the impugned trademark JON CARTE/JON CARTE TOOLS with the device on the goods referred and decree the suit for the profits found to have been made by the defendants, after the defendants has rendered accounts;

(d) directing the defendants to surrender to the plaintiffs all the goods, packing materials, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery and all other materials containing /bearing the mark JON CARTE/JON CARTE TOOLS with /without the device or other deceptively similar trade mark;

(e) directing the defendants to pay to the plaintiffs the costs of the suit.



For Plaintiff(s):

Ms.Gladys Daniel
for M/s.C.Daniel And Gladys Daniel

For Defendant(s):

No appearance

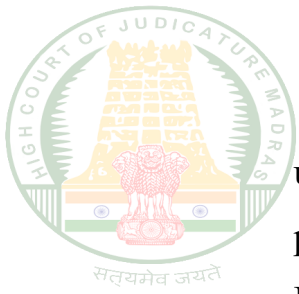
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J U D G M E N T

The suit had been filed for the following reliefs:-

(a) granting a permanent injunction, restraining the defendants by itself, their servants, agents, distributors, or anyone claiming through them from manufacturing, selling and offering for sale using the mark JON CARTE/JON CARTE TOOLS along with/ without the circle enclosed in the square device as such or any mark with the prefix or suffix JON in any goods manufactured and sold by the defendants or in any media and use the same in invoices, letter heads and visiting cards or by using any other trade mark which is in any way visually, or phonetically similar to the plaintiffs registered Trade Marks JON BHANDARI, JOB BHANDARI TOOLS along with the devise or in any manner infringing the plaintiffs registered Trade Mark Nos. 1381049, 1381050, 1381051, 1381052, 1381053, 1381054, 1415762, 1655399, 2400950 respectively;

(b) granting a permanent injunction, restraining the defendants by itself, their servants, agents, distributors, or anyone claiming through them from manufacturing, selling and offering for sale using the Trade Marks JON CARTE/JON CARTE TOOLS with the device as such in any goods manufactured and sold by the defendants or in any media and use the same in invoices, letter heads and vising cards or by



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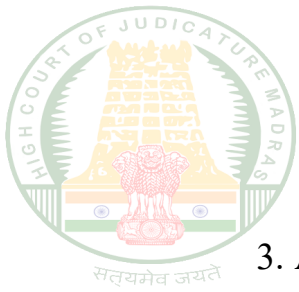
using any other trade mark which is in any way visually, or phonetically similar to the plaintiffs Trade Marks JON BHANDARI, JON BHANDARI TOOLS, JON BHANDARI ABRASIVE with the device or in any manner pass off the plaintiffs goods;

(c) directing the defendants to render an account of profits made by them by the use of the impugned trademark JON CARTE/JON CARTE TOOLS with the device on the goods referred and decree the suit for the profits found to have been made by the defendants, after the defendants has rendered accounts;

(d) directing the defendants to surrender to the plaintiffs all the goods, packing materials, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery and all other materials containing /bearing the mark JON CARTE/JON CARTE TOOLS with /without the device or other deceptively similar trade mark;

(e) directing the defendants to pay to the plaintiffs the costs of the suit.

2. The learned counsel for the plaintiff would submit that a rectification petition had been filed with regard to the use of offending trademark before the Delhi High Court. She would further submit that the same could be disposed of by way of mutual settlement that had been arrived at between the parties, wherein the second defendant herein had categorically admitted not to use the offending trademark of the plaintiff and hence, she would submit that there is no further *lis* to be adjudicated in the present suit.



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3. A perusal of the order dated 29.11.2014 made by the Delhi High Court would indicate that the parties to the *lis* had resolved their dispute among themselves and had filed a compromise memo which had been reproduced by the High Court of Delhi and disposed of the rectification application filed by the plaintiff.

4. For better appreciation, the relevant portion is extracted hereunder:-

"3.Learned counsel appearing for the parties submit that the petitioner and respondent no.1 have arrived at a mutual settlement and have agreed to compromise the subject matter, the terms of which, are reproduced as under:

“xxx xxx xxx

a) The Respondent No.1 agrees that the Petitioner is the Registered Proprietor of the Trademarks JON BHANDARI, JON BHANDARI TOOLS, JON BHANDARI ABRASIVE and JON formative marks in words and various device registrations.

b) The Respondent No.1 agrees that the Petitioner is the prior user of the Trademarks JON BHANDARI, JON BHANDARI TOOLS, JON BHANDARI ABRASIVE and JON formative marks.

c) The Respondent No.1 has no objection for this



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Hon'ble Court to allow the cancellation of its registration for his Trademark JONCIAZ TOOLS (DEVICE), bearing Trademark Registration No.2816974 in Class 8.

d) The Respondent No.1 agrees not to oppose the Trademark Applications filed by the Petitioner for registration of the Trademark JON BHANDARI, JON BHANDARI TOOLS, JON BHANDARI ABRASIVE or any other similar JON formative marks with or without the device.

e) The Respondent No.1 confirms that he has not filed any Application for Registration of the Trade Mark JON CARTE/JON CARTE TOOLS with or without the unique square device. The Respondent No.1 agrees not to file any such application(s) in future.

f) The Respondent No.1 is permitted to use the Impugned Trademark JON CIAZ until 30.12.2024.

g) The terms Petitioner and the Respondent No.1 shall mean and include their heirs, executors, administrators, successors and assigns of each party.

h) That the Petitioner and the Respondent No.1 shall have no claim or demand against each other except the above-mentioned agreed terms stated supra.

xxx xxx xxx”



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4. Considering the aforesaid, the respondent no.1's mark JONCIAS TOOLS(DEVICE), bearing Trademark Registration No.2816974 in Class 8, is hereby cancelled.
5. Respondent No.2, i.e., the Trade Marks Registry is directed to carry out the necessary rectification.
6. The Registry of this Court is directed to supply a copy of the present order to the Office of the Controller General of Patents, Designs and Trade Marks of India, on E-mail Id:llc-ipo@gov.in, for compliance.
7. With the aforesaid directions, the present petition, along with the pending application, stands disposed of."

5. The defendants, who had appeared, were not represented when the matter was listed on 05.06.2026 and therefore, the matter was listed again today as last chance. Even today there is no representation on the side of the defendants.

6. The terms of compromise as recorded by the Delhi High Court which had been extracted supra would indicate that there is no further *lis* as regards to the issue that had been raised in this suit.

7. In such view of the matter, this Court is of the view that the reliefs (a) and (b) as prayed for could be granted in favour of the plaintiff. As regards the



prayer (c) and (d), in view of the arrangement arrived at between the parties, the suit relief does not no longer survive for adjudication.

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8. Accordingly, the suit stands decreed only in respect of prayers (a) and (b). No order as to costs. Consequently, connected Application is closed.

12-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Maya



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K.KUMARESH BABU, J.

Maya

CS No. 763 of 2014

Dated : 12-06-2026