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C.S(COMM DIV) No. 256 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2026

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THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

**C.S(COMM DIV) No. 256 of 2025
and O.A.Nos.965 to 967 of 2025 and A.No.4857 of 2025**

M/s.Micro Labs Limited
A company incorporated under
the Companies Act, 1956
represented by its Authorised Signatory
Mr.Ashok Kumar G,
having office at
No.31, Race Course Road,
Bengaluru – 560 001.
Karnataka.

..Plaintiff

Vs

Mr.A.Santhosh,
Proprietor,
M/s.Life Gain Pharma
Having Office at
No.34, New No.43, First Floor,
Ayya Maligai, Choolaimedu High Road,
Choolaimedu, Chennai – 600 094
Tamil Nadu.

..Defendant

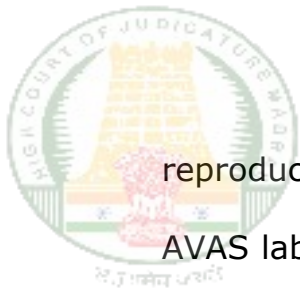
Plaint filed under Order IV Rule 1 of O.S. Rules read with Order VII
Rule 1 of Civil Procedure Code, 1908 Sections 27, 28, 29, 134 and 135 of
the Trade Marks Act, 1999 and Sections 51, 55 and 62 of the Copyright
Act, 1957 and Section 7 of The Commercial Courts Act praying to grant a
judgment and decree on the following terms:



a) A permanent injunction restraining the Defendant, its manufacturers, distributors, stockists, servants, agents, wholesalers, retailers, legal representatives or any other person claiming under it from in any manner manufacturing, selling, offering for sale, stocking, advertising directly or indirectly dealing in medicinal and pharmaceutical preparations infringing the trademark AVAS of the Plaintiff registered under No. 963813 in class 5 by use of deceptively similar trademark AVASLIP or any mark identical or similar to Plaintiff's registered trademark AVAS in any manner whatsoever;

b) A permanent injunction restraining the Defendant, its manufacturers, distributors, stockists, servants, agents, wholesalers, retailers, legal representatives or any other person claiming under it from in any manner manufacturing, selling, offering for sale, stocking, advertising directly or indirectly dealing in medicinal and pharmaceutical preparations under the trademark AVASLIP or any other trademark that is identical to and /or deceptively similar to the Plaintiff's trademark AVAS and/or use similar packaging as that of the plaintiff's products so as to pass off their medicinal preparations as and for the medicinal preparations of the Plaintiff in any manner whatsoever;

c) A permanent injunction restraining the Defendant by themselves, their servants, agents, men, distributors or anyone claiming through them from committing acts of copyright infringement by making substantial



reproduction of the Plaintiffs registered copyright in the artistic work AVAS label by use of deceptively similar colour scheme, get up and layout for their AVASLIP labels or in any manner whatsoever;

d) the Defendant be ordered to pay to the Plaintiff a sum of Rs.50,00,000/- as liquidated damages for committing acts of infringement against Plaintiff's registered trademark so as to pass off its products as and for the Plaintiff's products;

e) The defendant be ordered and decreed to deliver up destruction to the plaintiff all the products, preparations, packaging either filled or empty, dyes, blocks, labels, brochures, leaflets, pamphlets, hand bills, hoardings, wall posters, calendars, carry bags, stationery items and such other sales promotional materials bearing and/or containing impugned trademark AVASLIP;

f) A preliminary decree be passed in favour of the Plaintiff directing the Defendant to render accounts of profits made by it by use of the identical/deceptively similar trademark AVASLIP or any mark identical/deceptively similar to the trademark of the Plaintiff AVAS and a final decree be passed in favour of the Plaintiff for the amount of profits found to have been made by the Defendant after the latter has rendered accounts;

g) Directing the Defendant to pay to the Plaintiff the costs to the suit.



For Plaintiff : Ms.Shamilee Rajkumar
For Defendant : Mr.C.R.Malarvannan
for M/s.S.Bhuvaneshwari

JUDGMENT

An alternative mark was proposed by the defendant. The plaintiff has no objection to the defendant using the said mark. The defendant has also provided details of ready to sell inventory. The defendant seeks four months for the liquidation thereof and the plaintiff has agreed thereto. The defendant has also agreed to pay a sum of Rs.30,000/- as costs, which is acceptable to the plaintiff.

2. Since parties have settled the dispute in the manner above, the suit is dismissed as settled out of Court. In terms thereof, the plaintiff is entitled to refund of full court fee. Consequently, connected applications are closed. There shall be no order as to costs.

27.02.2026

Index: Yes/No

Neutral Citation: Yes/No

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