

**IN THE COURT OF PRINCIPAL DISTRICT**  
**AND SESSIONS JUDGE, UDUPI.**

**O.S. No. 1/2020**

Between,

Plaintiff ..... M/s. Sumukha Surgicals India Pvt.  
Ltd.,

And

Defendant ..... M/s. Dhrithi Surgical Solutions  
Pvt. Ltd.,

**ISSUES**

1. Whether the Plaintiff proves that the defendant has infringed the plaintiff's trademark "Dhatri " by adopting deceptively similar trade mark "Dhrithi"?
2. Whether defendant proves that this court has no jurisdiction to decide the case?
3. Whether the plaintiff proves that it is entitled for damages payable by the defendant for infringing the plaintiff's trademark?
4. Whether the defendant proves that the plaintiff's trademark is not similar to defendant's trademark and therefore they are not liable for infringement/passing off action?
5. Whether the plaintiff proves that the defendant has infringed the copyright in respect of logo "Dhatri' adopted by the defendant by using the identical colour scheme and get up for their logo "Dhrithi"?
6. Whether plaintiff proves that the suit filed within territorial jurisdiction of this Hon'ble Court?
7. Whether the plaintiff proves that the defendant by adopting trading style, "Dhrithi" has infringed the registered trademark of plaintiff in respect of "Dhatri"?

8. Whether plaintiff proves that the defendant by adopting “Dhrithi surgical solutions” is liable for passing off action?
9. Whether defendant proves that the adoption of the trademark Dhrithi is different from the plaintiff’s trademark “Dhatri”?
10. Whether the plaintiff entitled for relief of directing defendant to surrender unused stock of offending brouchers, bills, hoardings, literature, negatives etc.?
11. Whether the plaintiff proves that the defendant is liable to pay the damages?
12. What order or Decree?

Date: 04-09-2021

Prl. Dist. & Sessions Judge,  
Udupi.