

TNRM010023362024



IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, RAMANATHAPURAM
PRESENT: Thiru.S. KUMARAGURU, B.L.,
PRINCIPAL DISTRICT JUDGE,
RAMANATHAPURAM.

Monday, the 29th day of July 2024
O.S.No. 60/2024
CNR No. TNRM01-002336-2024

M/s.ANANTHAM RETAIL PRIVATE LIMITED, Represented by its Managing Director
Mr.Shanmuganathan, No.33, Agraharam Road, Ramanathapuram-623 501.

... Plaintiff


/Vs/

M/s. ANANTHAM SILKS & READMADE, Prop. M. Farook, No.18/19, Bazaar
Street, (Opp. Masjid), Vandavasi- 604408.

... Defendant

The suit has been filed by the plaintiff prays to a perpetual injunction restraining the Defendant by themselves or their men, partners, proprietors, stockiest, dealers, servants, agents, franchisees, successors in interest, licensees, assignees, representatives or any of them from in any manner infringing the plaintiff's copyright over the lettering style and artistic work in the label



by use of any mark/label  deceptively similar to that of the Plaintiff's lettering style/artistic work or by use of identical or deceptively similar trading style and or artistic work in any other manner whatsoever whether in Tamil or in English; a perpetual injunction restraining the Defendant by themselves or their men, partners, proprietors, stockiest, dealers, servants, agents, franchisees, successors in interest, licensees, assignees, representatives or any of them from in any manner passing off or enabling passing off of the Defendants' goods and /or

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services under the Trade and Service Mark or any other deceptively similar Trade and Service Mark as and for the goods/ services of the Plaintiff under the Trade Mark ' or by use of any deceptive trading style



'ANANTHAM' or any trading style comprising the essential expression 'ANANTHAM' in Tamil and/or English or in any other manner whatsoever; A perpetual injunction, restraining the Defendant by themselves or their men, partners, proprietors, stockiest, dealers, servants, agents, franchisees, successors in interest, licensees, assignees, representatives or under any them, from in any manner infringing the plaintiff's popular Registered Trademark '



' / '  ' by use of any trade mark/ trade style that is similar / deceptively similar to the trade mark of the Plaintiff or in any other manner Whatsoever; the defendants be ordered to surrender to plaintiff for destruction all name boards, packing materials, visiting cards, letterheads, printer bills, cartons, sachets and other goods bearing the Trademark ' or any mark



deceptively similar to that of the plaintiff's Trade / Service mark and artistic work ' ; the defendants be ordered to prepare and submit an



account of profits made by them by the unlawful use of the Trade/ Service mark of the Plaintiff and thereafter to pass a final decree upon ascertaining the accounts, in

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favour of the Plaintiff and against the Defendant and for the costs of the suit.

Date of presentation: 29.04.2024.

Prayer for injunction restraining the defendants from infringing the plaintiff's copyright over the lettering their goods bearing the impugned trademark as that of the Plaintiff's goods valued at Rs.2000/- Court Fee paid thereon U/s.27(b) of the Tamil Nadu Court Fees and Suit valuation Act, 2017 Amended of Rs.60/-;

Prayer for injunction restraining the Defendants from passing off their goods bearing the impugned trademark as that of the Plaintiff's goods valued at Rs.2,000/-. Court Fee paid thereon u/s.27(b) of the Tamil Nadu Court Fee and Suit valuation Act, 2017 Amended of Rs.60/-;

Prayer for injunction restraining the Defendants from passing off or enabling passing off of the Defendants' goods and or services the their goods bearing the impugned trademark as that of the Plaintiff's goods valued at Rs.2000/-. Court Fee paid thereon u/s.27(b) of the Tamil Nadu Court Fees and Suit valuation Act, 2017 Amended of Rs.60/-;

Prayer for the defendants be ordered to surrender to Plaintiff for destruction all name boards, packing materials, visiting cards, letterheads, printer bills, cartons, sachets and other goods bearing the Trademark Rs.2000/-. Court Fee paid thereon u/s.24(1)(b) of the Tamil Nadu Court Fees and Suit Valuation Act, 2017 Amended of Rs.60/-.

Prayer of account valued Rs.1,000/-/ Court Fee paid thereon u/s. 35(1)of the Tamil Nadu Court Fees and Suit Valuation Act, 2017 Amended of Rs.30/-.

The plaintiff values the suit for the purpose of Court Fee and Jurisdiction at

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Rs.9,000/- and a total fixed Court Fees of Rs.270/- is paid.

Cause of Action:

The Cause of Action arose on 08.12.2006 to 10.08.2020 at Ramanathapuram.

This suit has been coming before me for final hearing on 29.07.2024 in the presence of Thiru.V. Balamurali B.A.,B.L., Advocate for the Plaintiff and Thiru.R.Saleem B.A.,B.L., Advocate for the Defendant. Defendant called absent set exparte. Plaintiff called absent and this court has passed for following..

Decree

1. that the plaintiff called absent. No representation. Suit is dismissed for default.
2. that there is no order as to cost.

Given under my hand and the seal of this Court, this the 29th day of July 2024.

Sd./ S. Kumaraguru,
Principal District Judge,
Ramanathapuram

In the Court of Principal District Judge,

Ramanathapuram.

O.S.No.60/2024

Decree

Date:29.07.2024.