

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, VIRUDHUNAGAR

DISTRICT AT SRIVILLIPUTTUR.

PRESENT :- **Tmt.V.Thilaham, B.A., B.L.,**
Principal District & Sessions Judge,
Virudhunagar District at Srivilliputtur.

Tuesday the 04th day of July 2023

C.O.S.No.106/2018

M/s.R.K. Match Company(p) Ltd., through its Managing Director
G.S.Karthikeyan

... Plaintiff

/ Vs /

1. M/s.ESM Matches
through its Proprietor
Erulappan
2. M/s.Sri Venkateshwara Agencies
through its Proprietor
Birram Venkateswara Rao.
3. M/s.Suresh Enterprises
through its Proprietor
Suresh.
4. M/s.Bala Venkata Satyalakshmi General Merchant
through its Proprietor,
Kolipakala Krishna Murali.
5. M/s.Sumana Enterprises
through its Proprietor,
Shankar Paul.

... Defendants

This suit coming before me for hearing on 04.07.2023 in the presence of Thiru.M.Rajapandi, Advocate for the Plaintiff and Thiru.A.Swatheeswaran, Advocate for Defendant No.1 and Thiru.R.Muthuraman, Advocate for the Defendant No.2 and Thiru.T.Thirupathiraj, Advocate for the Defendant No.4 and Defendant No.3 being called absent set exparte and Defendant No.5 exonerated and posted to amend the plaint and perusing the records and having stood over for consideration till this day, this Court delivered the following,

JUDGMENT

Suit filed for granting a Perpetual Injunction against the defendants restraining the defendants, their men, agents and servants from in any manner printing,

manufacturing and selling and offering for sale, of match boxes advertising directly or indirectly dealing in match boxes with infringing trade mark label affixed in the 'B' schedule or any other label which they are deceptively similar and colourable imitation of the plaintiffs registered Trade marks label affixed in the 'A' schedule in using it in the manufacture of their match boxes and selling them by the defendants and granting a Mandatory Injunction directing the defendants to deliver up for destruction all stocks of match boxes carrying the infringing trade mark "BULB" in the 'A' schedule in the possession of the defendants, the cartons for packing matches carrying the infringing trade mark, labels, paintings, films, plates, blocks, dyes and negatives and CDs as well as all other materials in their possession for printing the infringing trade mark as shown in the 'B' schedule and directing the defendants to render true and proper accounts of all their sales made by them of matches carrying the infringing trade mark in the 'B' schedule and profit earned by the defendants and directing the defendants to pay the plaintiff a sum of Rupees 3,00,000/- (Rupees Three Lakhs only) as damages for passing of the goods of the safety match boxes, of the trade mark "BULB" as shown in the 'A' schedule belonging to the plaintiff as their own and directing the defendants to pay the cost of this suit to the plaintiff and other reliefs.

Sufficient time was given. Steps not taken for plaintiff side. Suit is dismissed for default without cost.

Pronounced by me in Open Court this the 04th day of July 2023.

Sd/- V.Thilham
Principal District Judge,
Virudhunagar District at
Srivilliputtur.