

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
COMMERCIAL DIVISION

CS-COM/639/2024
[OLD NO CS/133/2010]

M/S. SAMBHU NATH & BROTHERS & ORS.
VS
JAI REJENDRA IMPEX PVT. LTD. & ORS.

BEFORE:
THE HON'BLE JUSTICE SUGATO MAJUMDAR
Date: 15th May, 2024

Appearance:

Mr. Gautam Kr. Ray, Adv.

Mr. Tin Kari Jana, Adv.

Mr. Gopal Das, Adv.

Mr. Sourav Jana, Adv.

...for the Plaintiffs.

Mr. Sarosij Dasgupta, Adv.

Ms. A. Ghosh, Adv.

...for the Defendant No.1.

The Court: Suggested issues are filed. On the basis of issues the following issues are framed:

1. Whether the suit is maintainable?
2. Whether the suit discloses cause of action?
3. Whether this Court has jurisdiction to entertain the suit?

4. Whether the Plaintiffs are prior users of the mark “TOOFAN” and the Defendants are liable to be restrained from using deceptively similar mark “THUFAN” in respect of identical goods?
5. Whether the use of the impugned mark “THUFAN” by the Defendants is likely to cause confusion and deception amongst the innocent customers and against public interest, whether the same amounts to passing off and ought to be permanently restrained?
6. Whether the purported Deed of Assignment dated 30th March, 2006 relied upon by the Defendants relating to the trademark “TOOFAN” in Telugu script would entitle the Defendant no. 1 to use the mark “TOOFAN” in English script?
7. Whether the Plaintiff is entitled to the reliefs as prayed for, what other relief or reliefs the Plaintiffs are entitled to?

The suit will appear in the list on 24th June, 2024 under heading “Witness Action”.

(SUGATO MAJUMDAR, J.)