High Court grants Costs of Litigation and Compensatory Damages Without Trial

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Delhi High Court grants permanent injunction summarily against defendants infringing TATA mark. Cost of litigation, fee of the local commissioner and compensatory damages also awarded without trial. The court concluded that the plaintiff is entitled to summary judgment under the Commercial Courts Act since the defendants did not appear to have a real prospect of defending the claim inasmuch as averments in the plaint had not been rebutted by the defendants nor had they put forward their stand, despite having been given ample opportunities to do so. The decision is notable for a number of reasons – not least the grant of a permanent injunction by a summary judgement. Also of note is that the court awarded actual costs of litigation, fee of the local commissioner and compensatory damages without trial. Tata Chemicals Ltd. is a group company of Tata Sons Ltd., which is the registered proprietor of the well-known TATA mark. It is a trusted brand amongst farmers and dairy owners for cattle and poultry feed. Tata Chemicals had discovered that the defendants were selling animal feed under the mark TATA NO. 1. A Local Commissioner appointed by the court in 2015 seized evidence of infringement at the defendant's premises and sealed several bags bearing the infringing TATA mark. Two parties – manufacturers of the infringing products sold by the defendants – chose to settle the matter in 2015. The remaining two defendants, despite being duly served, stopped appearing after October 2015. The matter was proceeded with against them in 2017. *Tata Sons Limited v Rajbir Jindal & Ors; before the Delhi High Court; summary judgment dated 4.9.2017*

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