Ex-Parte injunction order granted against defendants using the mark TATA on the bottles of Insecticides and Pesticides

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In *Tata Sons Ltd. v. Prakash Yadav*, the Defendants were using the mark TATA on their products i.e. insecticides and pesticides. The Defendant Nos. 1 and 2 had not appeared for the last couple of hearings and therefore they were proceeded ex-parte. The ex-parte injunction order was confirmed and made absolute against the said Defendants. Plaintiff had already led evidence. The right to file evidence and the right to cross-examine the Plaintiff's witness of the Defendant Nos. 3 and 4 were closed previously. The Defendant Nos. 3 and 4 appeared today in person, also accompanied by their counsel. The Hon'ble Judge was of the opinion that as the Defendant Nos. 3 and 4 are mere distributors of the infringing goods of the Defendant Nos. 1 and 2, the Plaintiff should try and settle the matter with the Defendant Nos. 3 and 4. The Hon'ble Judge confirmed an injunction order against the Defendant Nos. 3 and 4 and direct them to pay token damages of Rs.25,000/- to the Plaintiff. The learned Judge was further pleased to direct the Defendant Nos. 3 and 4 to take steps so that the infringing goods bearing the name TATA seized from them and returned to them on "superdarinama" are destroyed at the very earliest and fixed a specific date for this purpose. In this matter, earlier raids on the Defendant Nos. 1 and 2 could not be conducted successfully due to local hindrances. However, we were able to seize around 8 -10 bottles of pesticides/insecticides from the other Defendants. We had therefore filed a contempt application against all of them. The said application was argued on 9th May 2018 and the Hon'ble Judge issued a bailable warrant on the Defendant No. 1, Mr. Prakash Yadav, as well as the Senior Police Officer, Mr. Bhagel returnable for 15th October 2018.

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