



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 aailable warrant on the Defendant No. 1, Mr. Prakash Yadav, as well as the Senior Police Officer, Mr. Bhagel returnable for 15th October 2018.

