Yet another judicial direction aimed at supporting the needy

News & Updates • July 17, 2019

TATA SONS LTD. VS. PRAKASH YADAV & ORS. CS (COMM) NO. 383 OF 2018 This civil suit was filed against the Defendants before the Delhi High Court as they were engaged in the business of selling insecticides and pesticides bearing the mark TATA GOLD, TATA ZYME, SUPER TATA ZYME, etc. Defendant Nos. 1 and 2 were the main parties that were the source of the infringing products and Defendant Nos. 3 and 4 were their distributors. The Plaintiff's evidence was completed and the Delhi High Court vide order dated 9 May 2018 decreed the suit against the distributors of the infringing products i.e. Defendant Nos. 3 and 4 thereby confirming the injunction order against them thereby restraining themselves from using the well-known trademark TATA of the Plaintiff in any manner whatsoever. The said Defendants were directed to hand over the infringing goods to the Plaintiff's representative for destruction. The main Defendant Nos. 1 and 2 initially did not appear before the Court despite successful service and therefore the court set them down as ex-parte. Defendant No. 1 was the proprietor of Defendant No. 2's entity. Due to their illegal activities, the Plaintiff filed an application alleging contempt against Defendant No. 1 and a police officer who was directed to assist the Plaintiff to conduct the local commission on the Defendants. The Hon'ble Court clearly noted that despite service, Defendant No. 1 was not appearing in the suit and continued to infringe the Plaintiff's well-known trademark TATA and was further flouting various orders passed by the Hon'ble Delhi High Court and on 18 March 2019 issued non-bailable warrants against Defendant No. 1. However, the Court through a subsequent order dated 20 March 2019 recalled the non-bailable warrants issued against Defendant No. 1 on an application made by Defendant No. 1 clearly stating that *"Reluctantly, the order dated 18th March, 2019 depositing costs of Rs.50,000/- with AIIMS Poor Fund..."* The matter was thereafter listed on 11 July 2019 before the Hon'ble High Court of Delhi. On the said date, Defendant No. 1 again did not appear citing some personal reasons. The Hon'ble Court re-notified the matter for 15 July 2019 directing Defendant No. 1 to appear on the said date. On 15 July 2019, Defendant No. 1 appeared before the court. Taking into consideration the conduct of Defendant No. 1, the Hon'ble Court decreed the suit as regards Defendant Nos. 1 and 2 as well, thereby restraining them from using the well-known trademark TATA of the Plaintiff in any manner whatsoever. The Hon'ble Court also directed Defendant No. 1 to pay Rs. 20,00,000/- as damages to be paid as under:

1. Rs.10,00,000/- to the Plaintiff and
2. Rs. 10,00,000/- with the AIIMS Fund for the poor.

The suit of the Plaintiff has therefore been decreed in their favour. However, the contempt application filed by the Plaintiff has been kept pending and was re-notified for 26 August 2019 for the appearance of the contemnors. Team Anand and Anand: Pravin Anand, Achuthan Sreekumar and

Akshay Agarwal.

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