

(1869) 06 CAL CK 0034

Calcutta High Court

Case No: None

Graham and Co.

APPELLANT

Vs

Kerr, Dods and Co.

RESPONDENT

Date of Decision: June 14, 1869

Judgement

Phear, J.

It is not enough to say that there was no fraudulent intention. That is no reason why an injunction should not be granted. I do not think I have any option if the marks, which defendants have used, are those of the plaintiffs; no matter what their intention was, a perpetual injunction would be granted. In the meantime an interlocutory injunction must issue. Obviously there is a close imitation. Interlocutory injunction to issue with costs.