

S.P.S. Jayam And Co. vs Nehrusadan And Anr. on 1 April, 1977

Equivalent citations: AIR1977SC1621, 1977CRILJ1101, (1977)3SCC512, 1977(9)UJ365(SC), AIR 1977 SUPREME COURT 1621, (1977) 3 SCC 512, 1977 SC CRI R 222, 1977 CRI APP R (SC) 332, 1977 UJ (SC) 365 (1)

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Bench: P.K. Goswami, P.N. Shinghal, Y.V. Chandrachud

JUDGMENT

Y.V. Chandrachud, J.

1. We have compared the disputed labels and are quite surprised to find that the High Court thought that there is a "vital difference" between the two sets of labels. Far from there being any such difference, we find that in all material respects the labels are similar in lay-out and design. In any event, this was hardly a matter in which the High Court, in the exercise of its revisional powers, should have interfered with the concurrent finding of fact recorded by the Courts below that there was an imminent and real possibility of deception of an unwary purchaser on account of the similarity of the labels.

2. Accordingly, we set aside the judgment of the High Court and restore that of the Sessions Judge. Madurai, dated April 26, 1972.