

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 01.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No.1099 of 2009

M/s.Menma Curry Powders
Rep. By its Partner
Mr.M.P. Musthafa

... Plaintiff

Versus

1) M/s.I.S. Trade Links
rep. By Mr.E. Ishak

2) M/s.Menma Food Products
Kavanad Post
Kollam – 591 003,
Kerala.

3) E.Ishak

... Defendants

PRAYER : The Civil Suit filed Under Order IV Rule 1 of O.S. Rules read with Order VII Rule 1 of Civil Procedure Code and read with Sections 28, 29, 134 and 135 of the Trade Marks Act, 1999 praying for the following reliefs :

a) Granting perpetual injunction restraining the defendants, their proprietor /partner, men, distributors, stockists, servants, agents, retailers, representatives or any other person claiming under them from in any manner manufacturing, selling, offering for sale, stocking, advertising directly or indirectly dealing in goods marked “MENMA” or otherwise, identical or deceptively similar under the Trade Mark “MENMA” carrying relative artistic work or any other trademark resembling the plaintiff's registered trade marks “MENMA” which is identical or deceptively similar to the plaintiff's registered trade mark so as to infringe the Trade Mark of the Plaintiff or in any other manner whatsoever;

B) Directing the Defendants to deliver, to the plaintiff all the products, preparations, dies, blocks, articles, literatures, advertisements, letterheads, key chain, stickers, cartons, labels, papers, polythene bags, other bags and all other objects bearing and containing the trade mark deceptively similar to the plaintiff which are in the defendants possession or to the authorised representative of the plaintiff for destruction.

C) To pass a preliminary decree in favour of the plaintiff directing the defendants to render accounts of profits made by them by use of the impugned trade marks or other similar marks thereof and a final decree be passed in favour of the plaintiff for the amount of profits found to have been earned by the defendants, after the latter has rendered accounts;

D) directing the defendants to pay costs of this suit

For Plaintiff : M/s.K. Rajasekaran

J U D G M E N T

The learned counsel for the plaintiff has made the following endorsement :-

“We may be permitted to withdraw this suit.”

2. Recording the above endorsement, the suit is dismissed as withdrawn. No costs.

3. If infringement of the trade mark occurs and fresh cause of action arises, the plaintiff can always approach the competent Court for necessary reliefs.

01.03.2017

Index:yes/no
Internet:yes
vsi2

C.V.KARTHIKEYAN, J.

**Judgment in
C.S.No.1099 of 2009**

01.03.2017

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