

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 13.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No.1116 of 2009

P. Rajagopal,
Trading as
M/s.Sangeetha Veg. Restaurant,
No.24, South Mada Street,
Mylapore, Chennai – 600 004.

... Plaintiff

Versus

M/s.Hotel Sri Ram International,
18 & 19, State Bank Road,
Coimbatore – 641 018.

... Defendant

PRAYER : The Civil Suit filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 Civil Procedure Code and Section 134 and 135 of the Trade Marks Act, 1999 and under Sections 55, 56, 60 and 62 of the Copyright Act 1957 for the following reliefs :-

a) granting a permanent injunction restraining the defendant, its servants or agents or anyone claiming through it from in any manner infringing the plaintiff's Registered trade mark SVR SANGEETHA by using the offending trade mark "SANGEETHA" or any other mark or marks which are deceptively similar to or a colourable limitation of the plaintiff's well established Registered trade mark carton "SVR SANGEETHA" either by manufacturing or selling or offering for sale or in any manner advertising the same.

b) granting a permanent injunction restraining the defendant by itself, its servants or agents or anyone claiming through it from in any manner passing off of its "restaurant business" by using the offending trade mark SANGEETHA as and for the celebrated restaurant business

of the plaintiff under the Registered trade mark SVR SANGEETHA by selling or offering for sale, or in any manner advertising the same;

c) granting a permanent injunction restraining the defendant, its servants or agents or anyone claiming through it from in any manner infringing the plaintiff's well established copyrighted artistic work SVR SANGEETHA by using the offending artistic work carton "SANGEETHA" or any other work or works which are deceptively similar to or a colourable imitation of the plaintiff's well established copyrighted artistic work carton "SVR SANGEETHA" either by selling or offering for sale or in any manner advertising the same.

d) directing the defendant to render true and faithful account of the profits earned by it by using the offending trade mark SANGEETHA and payment of such profits to the plaintiff for the passing off committed by the defendant';

e) directing the defendants to surrender all the unused offending bill books, name board, packing materials and other stationery articles bearing the offending trade mark SANGEETHA for destruction and

f) for payment by the defendants to the plaintiffs, the cost of the suit.

For Plaintiff : Mr.L.Rajasekar

For Defendant : Mr.R.Sathish Kumar

J U D G M E N T

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

"The plaintiff may be permitted to withdraw the suit, since the defendant had closed down the Restaurant".

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

13.02.2017

Index:yes/no
Internet:yes
vsi2

C.V.KARTHIKEYAN, J.

vsi2

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