

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 13.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No.603 of 2009

M/s.K.Ramasamy
Rep. By its Proprietrix
Mrs.R. Chinnammal

... Plaintiff

Versus

M/s.P.Chinnusamy Textile
Textile Manufacturers
Rep. By Mr.P.Chinnusamy

... Defendant

PRAYER : The Civil Suit filed under Order VII Rule I of Civil Procedure Code and Order IV, Rule I of Original Side Rules read with Sections 27, 28, 29, 134 and 135 of the Trade Marks Act, 1999 for the following reliefs :

A) a perpetual injunction restraining the defendant by himself / themselves, their partners, proprietors, men, servants, agents, distributors, stockists, representatives or any of them from in any manner infringing the plaintiff's registered trademark label "MAHARAJ BRAND" by use of the trademark label "RAJA STARS" or by use of any deceptively similar trade mark label carrying identical layout, getup, art work, color scheme or in any other manner whatsoever;

B) The defendant be ordered to surrender to the plaintiff for destruction all labels, dies, blocks, mould, screen prints, advertisement and promotional materials, packing materials, lungis and any other materials bearing the trademark "RAJA STARS" or any other mark / label deceptively similar to the plaintiff's registered trademark "MAHARAJ BRAND";

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C) Preliminary decree be passed favouring the plaintiff directing the defendant to render true account of profits made by the use of trademark RAJA STARS”and final decree be passed in favour of the plaintiff for amount of profits said to have been made by the defendant after they have rendered accounts;

D) the defendant be ordered to pay to the plaintiff a sum of Rs.4 lakhs as and by way of damages and

E) for cost of the 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 Recording the above endorsement, the suit is dismissed as withdrawn.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.

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Index:yes/no
Internet:yes
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