IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No.604 of 2009

M/s.Hycount Plastics & Chemicals
Partnership Firm
Represented by its Managing Partner
Mr.M.A.Mahaboob ... Plaintiff

Versus

1. M/s.Hycount Pumps
2. M/s.National Sanito ... 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 order IV Rule I of O.S. Rules read with Sections, 134 & 135 of the Trade Marks Act, 1999 praying for the following reliefs :

a. A perpetual injunction restraining the defendants by himself /themselves, their Partners, Proprietors, men, servants, marketing agents, distributors, stockists, representatives or any of them from in any manner infringing the plaintiff's registered trademark “HYCOUNT” with or without suffixes by use of the trademark “HYCOUNT” and / or “HYCOUNT PUMPS” or by use of any deceptively similar trade mark carrying identical layout, getup, art work, colour scheme or by use of identical and / or deceptive trading style “HYCOUNT PUMPS” or in any other manner whatsoever;

b. the defendants be ordered to surrender to the plaintiff for destruction all dies, blocks, mould, screen prints, advertisement and promotional materials, packing materials, motors and pump sets and any other materials bearing the trademark “ HYCOUNT” or any other mark deceptively similar to the plaintiff's registered trademark

"HYCOUNT" with or without suffixes or carrying any deceptive trading style as and for that of the Plaintiff ;

c. Preliminary decree be passed favouring the Plaintiff directing the defendant to render true account of profits made by the use of trademark and / or trading style carrying the expression "HYCOUNT" 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 and

d. For cost of the Suit.

For Plaintiff : M/s.K.Rajasekaran

For Defendants : 1 and 2 – set Ex-parte

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J U D G M E N T

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

> *"We may be permitted to the withdraw the suit , since the defendant had already closed his business".*

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 Recording the above endorsement, the suit is dismissed as withdrawn.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

08.02.2017

Index:yes/no
Internet:yes
vsi2

C.V.KARTHIKEYAN, J.

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Judgment in
C.S.No.604 of 2009

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