

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.10.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.227 of 1997

MRF Limited,
124, Greams Road,
Chennai - 600 006. .. Plaintiff

Vs.

1.M/s. Zig Automotices,
1664/34, II Floor,
Naiwals, Karol Bagh,
New Delhi - 110 005.

2.M/s. Universal Automobiles,
423, Kilpauk Garden Road,
Chennai - 600 010. .. Defendants

This Civil Suit is preferred, under Order IV Rule - 1 O.S Rules Sections 27, 105 & 106 of the Trade and Merchandise Marks Act, 1958; for granting a permanent injunction restraining the Defendants and their dealers, agents, representatives or any one claiming through them, from manufacturing, selling, advertising or offering for sale, their Front Fork Boots and other goods using the trade mark ZIGMA or any other trade mark which is identical or deceptively similar to the Plaintiff's trade mark ZIGMA and passing off or other to pass off the goods of the Defendants as and for those of the plaintiff; for mandatory injunction directing the Defendants to surrender to the plaintiff, for destruction, all their Front Fork Boots and other goods, sales promotion and advertising material packaging, stationery and all other materials/objects containing/bearing the trade mark ZIGMA; for a preliminary decree in favour of the Plaintiff directing the Defendants to render an account of the profits made by them by the use of the trade mark ZIGMA on Front Fork Boots or on any of their goods and a final decree in favour of the plaintiff for the amount of the profit found to have been made by the Defendants after the Defendants have rendered accounts; and for costs.

For Plaintiff : Mr. Madhan Babu

For Defendants : No appearance

JUDGMENT

Mr.Madhan Babu, learned counsel for sole plaintiff submits that there are instructions from plaintiff to withdraw the suit. Saying so, learned counsel has made an endorsement in the suit file which reads as follows:

'As instructed by the plaintiff vide their written communication, the present suit may be permitted to be withdrawn.

The refund of court fee is not insisted.'

2. Reiterating the aforesaid endorsement, learned counsel for sole plaintiff submits that plaintiff is not insisting on refund of court fee.

3. In the light of the narrative supra, this suit is dismissed as withdrawn.No order as to costs.

22.10.2018

Index : Yes/No
gpa/mp

M.SUNDAR, J.
gpa/mp

C.S.No.227 of 1997

22.10.2018