

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.12.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.835 of 2007

1.Metco Polymers Private Limited
No.13, Cenotaph Road
Chennai - 600 018.
Rep. by its Director
Mr.Rahul Ranganathan.

2.Mr.Pradeep Ranganathan

... Plaintiffs

Vs.

1.M/s.AnB Healthcare Products
A Partnership Firm
Rep. By its Partner
Mr.Abdul Azeez
No.134, 2nd Floor
Mettu Street
Ayanavaram, Chennai - 600 023.

2.Mr.Abdul Azeez
(Father's name not known to the
plaintiff)
Partner
M/s.AnB Healthcare Prodcuts
No.134, 2nd Floor
Mettu Street
Ayanavaram, Chennai - 600 023.

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3.Mr.Balaji

(Father's name not known to the
plaintiff)

Partner

M/s.AnB Healthcare Products

No.134, 2nd Floor

Mettu Street

Ayanavaram, Chennai - 600 023.

.. Defendants

This Civil Suit is preferred, under Order IV Rule 1 of O.S Rules, 1956 read with Sections 108 and 109 of Patents Act 1970 as amended by the patents (Amendment) Act, 2005, praying

a) For a permanent injunction restraining the defendants, their dealers, distributors, agents, servants, men or any person claiming through or under them from in any manner infringing upon the Registered Patent granted to the second plaintiff in respect of the manufacture and sale of the product articles viz., “water beds”;

b) Directing the defendants to render true and proper accounts to the plaintiffs in respect of the manufacture and/or sale of the product water beds and consequently directing the defendants to pay the damages to the plaintiffs at such sum determined, upon such enquiry;

c) Costs of the above suit; and

d) Such other reliefs in the interest of justice.

For Plaintiffs : Mr.P.K.Rajagopal

For Defendants : Mr.R.Sathish Kumar [for D1 & D3]
R2- Set *Ex-parte*.

JUDGMENT

Mr.P.K.Rajagopal, learned counsel on record for both the plaintiffs

submits that he has instructions from the plaintiffs to withdraw this suit. Saying so, learned counsel has made an endorsement in the suit file, which reads as follows:

'This suit is withdrawn and it is prayed that it may be dismissed as such.'

Sd/-

Counsel for plaintiffs

11.12.2018'

2. Mr.P.K.Rajagopal, learned counsel for plaintiffs reiterates the aforesaid endorsement and submits that plaintiffs are not seeking refund of Court fee.

3. In the light of the aforesaid endorsement and reiteration of the same in the hearing, this suit is dismissed as withdrawn. There shall be no order as to costs.

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Index : Yes/No

vsm/mp

M.SUNDAR, J.

vsm



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