

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.12.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.652 of 2011

Anheuser Busch Inbev India Limited,
(Amended vide Order dated 03.09.2018)
Unit No.301-302, third floor,
Dynasty Business Park
B Wing, Andheri Kula Road,
Andheri (East), Mumbai 400 059.
Represented by its authorized signatory Mr.Sridhar .. Plaintiff

Vs.

Jagpin Breweries Ltd.,
Nowgong-Chhatar Pur
Madhya Pradesh
PIN - 471 201. .. Defendant

This Civil Suit is preferred, under Order VII Rule - 1 of Civil Procedure Code, 1908 Read with Order IV Rule 1 of O.S Rules of the Madras High Court, and Section 22 of the Designs Act, 2000 and Sections 134(1)(c), 135(1) and 135(2) of the Trademarks Act, 1999; Praying to;

a) For a decree of permanent injunction restraining the Defendant, their directors, employees, officers, servants, agents and all others acting for and on their behalf from making, selling, distributing, advertising, exporting, offering for sale, and in any other manner, directly or indirectly, dealing in impugned product or any similar impugned product that infringes

the subject matter of Indian Design No.223479 registered by the plaintiffs;

b) For a decree of permanent injunction restraining the Defendant, their directors, employees, officers, servants, agents, and all others acting for and on their behalf from making, selling, distributing, advertising, exporting, offering for sale, and in any other manner, directly or indirectly, dealing in impugned product or any similar impugned product that amounts to passing off their goods and products as that of the plaintiff under the trademarks SABMILLER and/or SABMILLER INDIA;

c) For grant an order of delivery up of any brochures/printed material and/or any material which contributes ultimately to the infringement of plaintiffs trademark;

d) To direct the defendant for rendition of accounts;

e) Costs and such other relief as this Court may deem fit, in the circumstances of the case, in the interest of justice and equity.

For Plaintiff : Mr.M.S.Bharath

For Defendant : No appearance

JUDGMENT

Mr.M.S.Bharath, learned counsel on record for sole plaintiff is before this Commercial Division.

2. Mr.M.S.Bharath, learned counsel on record for sole plaintiff submits that plaintiff has given instructions for withdrawal of this suit. Saying so, learned counsel on record for plaintiff has made an endorsement

in the suit file which reads as follows:

The plaintiff's counsel crave leave to withdraw this suit, as the cause of action based on which the suit was filed has ceased to exist, under instructions from the plaintiff dated 12.12.2018.

-sd/-

(Counsel for Plaintiff)

20.12.2018'

3. Learned counsel while reiterating the aforesaid endorsement submits that plaintiff is not insisting on refund of Court fee.

4. In the light of the narrative supra, this suit is dismissed as withdrawn. There shall be no order as to costs.

20.12.2018

Index : Yes/No

Internet: Yes/No

vsm/mp

WEB COPY

M.SUNDAR, J.

vsm/mp



C.S.No.652 of 2011

WEB COPY

20.12.2018