

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2018

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

C.S.No. 254 of 2018

in

O.A.Nos.388 & 389 of 2018

M/s.Dosa V2,
Rep by its Partner,
M.Dhamodhar
No.4/22, 2nd Cross Street
Netaji Colony, Mohanapuri
Velachery, Chennai -42.

... Plaintiff

Vs.

M/s. Hot House of Tosai,
Rep by its Proprietor, Logesh Selvam,
Nirmal Skywin Mall,
Peramanur Main Road,
Peramanur,
Salem-636 007.

... Defendant

PRAYER: This Civil Suit filed under Order IV Rule 1 O.S. Rules read with Sections 26, 27, 28, 29, 54 & 134 Trademark Act of 1999 praying for the following reliefs:

(a) A decree declaring the plaintiff as the sole lawful user of the Registered

Trademark and name "TOSAI" in hotel business.

(b) Permanent injunction, restraining the defendant, or through their individual Proprietor, Partners, Directors, Agents, representatives, assigns, legal heirs, and all others acting on their behalf from using or advertising by visual, audio mode or dealing in or using the Registered Trade Mark and name TOSAI with Registration No:3606633, or any other identical with and / or deceptively similar Trade name or Logo in relation to the Hotel Business and from doing any other act or deeds amounting to or likely to:

i) Infringe Plaintiff's Registered Trade Mark TOSAI and Registered Logo of the Plaintiff with Registration No:3606633.

(c) Permanent injunction, restraining the Defendant, or through their individual Proprietor, Partners, Directors, Agents, representatives, assigns, legal heirs, and all others acting on their behalf from using or advertising by visual, audio mode or dealing in or using the Registered Trade Mark and names TOSAI with Registration No:3606633, or any other identical with and / or deceptively similar Trade name or Logo in relation to the Hotel Business and from doing any other act or deeds amounting to or likely to:

i) Pass off and violate of the Plaintiff's rights in the said Trade name and Logo.

(d) For a decree to grant damage of Rs.2,00,000/- From the Defendant to

the Plaintiff

(e) For Cost of this suit;

For Plaintiff : Mr. P.Veena Suresh

JUDGMENT

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

"This petition may be withdraw as dismissed."

2. In view of the above endorsement made by the learned counsel for the plaintiff, the suit is dismissed as withdrawn. No costs. Consequently, connected Original Applications are closed.

सत्यमेव जयते

12.06.2018

mm/vsg

Index: Yes/No

Internet: Yes/No.

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C.V.KARTHIKEYAN, J.

mm/vsg



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