

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.02.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.300 of 2011**&****A.No.1173 of 2018**

M/s.Classik Cooling Towers,
 A Partnership firm registered under the Partnership Act, 1932
 Having place of business at No.103, 1st floor,
 Dhanalaxmi Tower, Sathy Road,
 Ganapathy, Coimbatore-641 006, Tamil Nadu
 Represented by its Managing partner,
 Mr.S.R.Ramanan .. Plaintiff

Vs.

M/s.Classic Equipments,
 No.19A, Kavettinaidu Layout,
 5th Street, Sowripalayam,
 Coimbatore-641 028, Tamil Nadu
 Represented by its sole proprietor
 Mr.S.Bhaskaran .. Defendant

Civil Suit preferred, under Order VII Rule 1 of the Code of Civil Procedure, 1908, read with Order IV Rule 1 of Original Side Rules read with Sections 27, 28, 29, 134 and 135 of the Trademarks Act, 1999 seeking perpetual injunction restraining the Defendant, their men, distributors, stockiest, servants, agents, retailers, representatives or any other person claiming under them from in any manner manufacturing, selling, offering for sale, stocking, advertising directly or indirectly dealing in goods identical or deceptively under the trademark "Classic Equipments" or any other trademark resembling the plaintiff's registered trademark "Classik Cooling Towers" or any other mark which is identical or deceptively similar to the plaintiff's registered trademark "Classik Cooling Towers" so as to infringe the Trademark of the Plaintiff; perpetual injunction restraining the Defendant, their men, distributors, stockiest, servants, agents, retailers, representatives or any other person claiming under them from in any manner manufacturing, selling, offering for sale, stocking, advertising directly or indirectly dealing in goods identical or deceptively similar under the trademark "Classic Equipments" or any other

trademark resembling the plaintiffs registered trademark "Classik Cooling Towers" or any other mark which is identical or deceptively similar to the plaintiffs registered trademark "Classik Cooling Towers" so as to pass off or enabling passing off of the defendant's products as and for that of the plaintiff or in any manner whatsoever connected with the plaintiff; perpetual injunction restraining the defendant, their men, distributors, stockiest, servants, agents, retailers, representatives or any other person claiming under them from using a domain name containing words deceptively similar to the registered trademark of the plaintiff "Classic Cooling Towers" so as to pass off or enabling passing off of the defendants products as and for that of the plaintiff or in any manner whatsoever connected with the plaintiff to direct the Defendant to deliver, for destruction, to the plaintiff of the products, preparations, dies, blocks, articles, literatures, advertisements, letter heads, stickers, cartons, labels, boards and all other objects bearing and containing the trademark deceptively similar to the plaintiff and in the defendants possession to the authorized representatives of the plaintiffs for destruction; to direct the Defendant to pay compensation of Rs.25,00,000/- for the loss caused to the plaintiff for infringing the plaintiffs registered trademark "Classik Cooling Towers" from the date of the plaint; to award punitive damages of rs.1,00,000; To pass a preliminary decree in favour of the plaintiff directing the defendant to render accounts of profits made by them by use of the impugned trademark or other similar trademark thereof and a final decree to be passed in favour of the plaintiff for the amount of profits found to have been earned by the defendant, after the latter has rendered accounts and to direct the defendant to pay the cost of this suit.

For Plaintiff : Mr.G.Devarajan

For Defendant : Mr.S.R.Vissalni
for Mr. V.Raghavachari

JUDGMENT

Mr.G.Devarajan of M/s.Rights and Marks, Law firm on record for the sole plaintiff, is before this Court. Mr.S.R.Vissalni, learned counsel representing Mr.V.Raghavachari, learned counsel on record for the sole defendant, is also before this Commercial Division.

2. Mr.G.Devarajan , counsel on record for plaintiff, submits that he

has instructions from his client to withdraw the suit. Learned counsel has also made an endorsement to this effect, which reads as follows:

“Due to lack of jurisdiction withdrawing the suit”

3. It is also submitted by learned counsel for plaintiff that in the light of nominal Court fee paid, there is no prayer for refund of Court.

4. In the light of the aforesaid submission and in the light of the endorsement made in the suit file, which has been extracted supra, this suit stands dismissed as withdrawn. There shall be no order as to costs. Consequently, the connected application is closed.

23.02.2018

Speaking/Non-Speaking order

Index : Yes/No

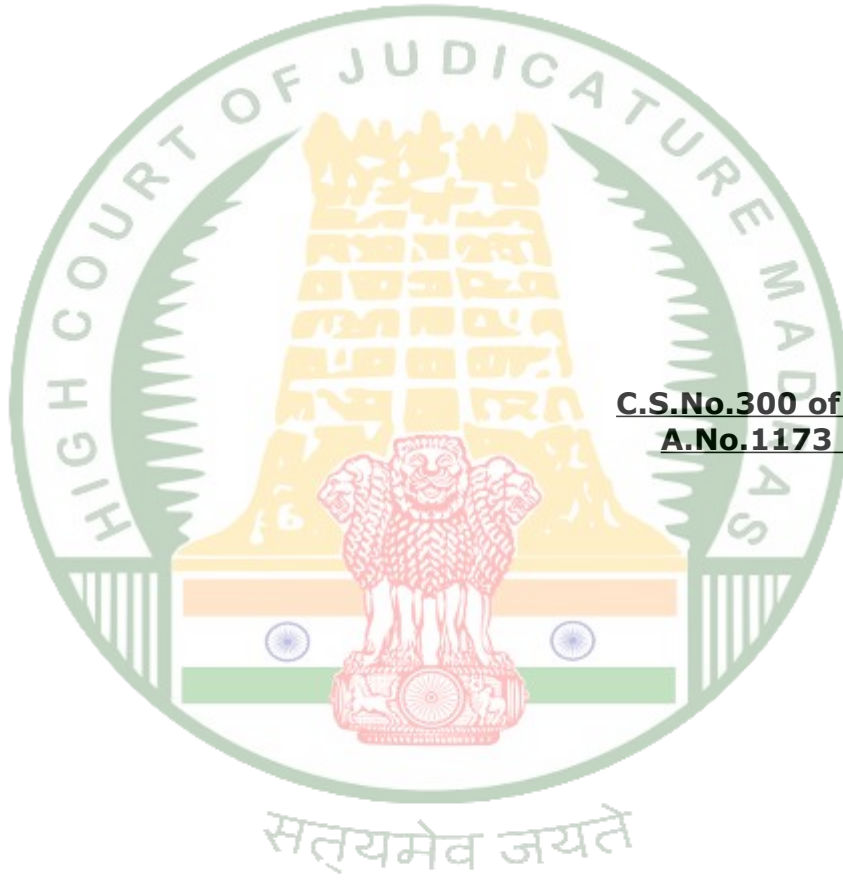
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M.SUNDAR, J.

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