

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.01.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.358 of 2015

M/s.Thalappakatti Hotels Private Ltd
represented by its Managing Director D.Nagasamy
Having its head office at No.5/10-73E,
Seven Wells Street,
St.Thomas Mount
Chennai 600 016.

.. Plaintiff

Vs.

Kodai Thalapakattu Biriyan Restaurant
Having his restaurant at Subha Krishna Complex
Near Government Higher Secondary School
and Zion School Matriculation School
Kodaikannal-624 101.

.. Defendant

This Civil Suit is preferred, under Order VII Rule 1 of CPC read with Order IV Rule 1 of High Court O.S.Rules and Section 134 and Section 135 of the Trade Marks Act, 1999 praying to

A) Grant a permanent injunction restraining the defendant, their men, servants, agents or anyone claiming through or under them from in any manner infringing and passing off the plaintiff trade mark and trading style "Thalappakatti Biriyan Hotel" by using the offending Trade Mark and Trading style "Thalapakattu" or any other mark or marks which are similar or in any way deceptively similar to or a colourable imitation of the plaintiffs Trade Mark "Thalappakatti Biriyan Hotel"

B) Direct the defendant to render a true and faithful account of the profits earned by them through the sale of food products bearing the offending trademark "Thalapakattu" and directing payment of such profits to the plaintiff by way of damages for infringement committed by the defendant.

C) Direct the defendant to surrender to plaintiff the entire stock of unused offending goods with Trade Mark "Thalapakattu" with name boards, labels, wrappers, boxes, covers, bags, packets, cartons, bills, advertisements, materials, reports, envelops, brochures, printing blocks, etc., bearing the

offending Trademark for destruction and

D) direct the defendant to pay the plaintiff the costs of the suit.

For Plaintiff : Mr.S.Vijayan

For Defendant : No appearance

JUDGMENT

The learned counsel appearing for the plaintiff seeks permission of this Court to withdraw this suit and he has also made an endorsement in the suit file today (22.01.2018) which reads as follows:

*“I may be permitted to withdraw C.S.No.358/2015.
The respondent has changed the name of the Restaurant.
Hence, I may be permitted to withdraw the suit.*

(S/d)

Counsel for plaintiff

22.01.2018.”

2. In view of the endorsement made by the learned counsel for the plaintiff, this Civil Suit is dismissed as withdrawn.

22.01.2018

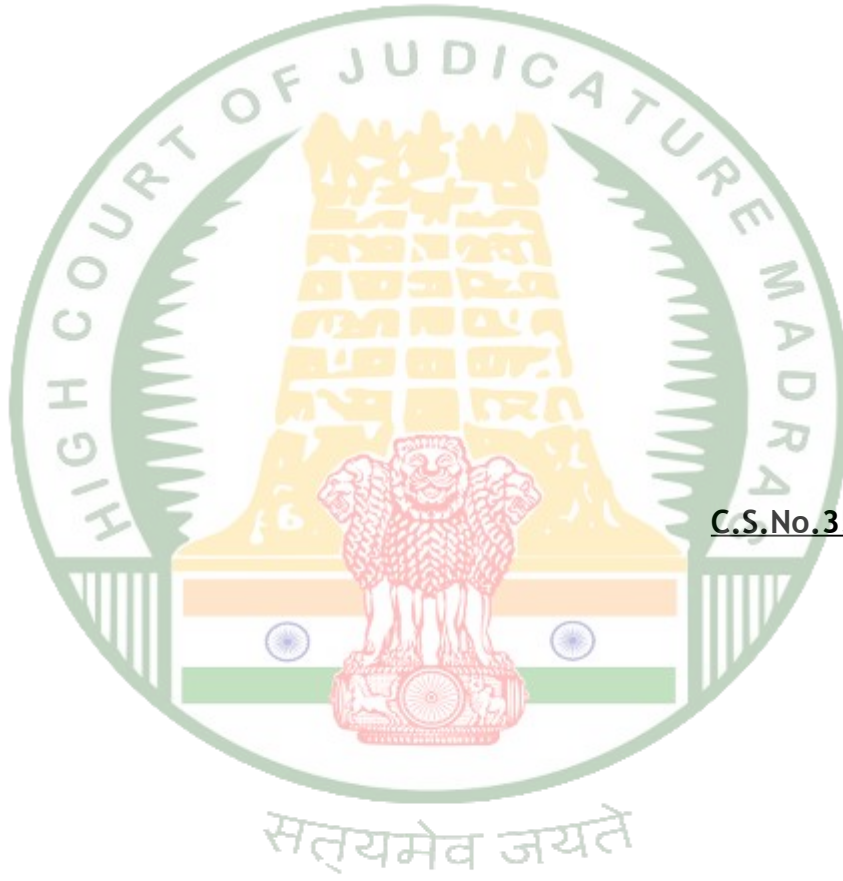
Speaking/Non-Speaking order

Index : Yes/No

vsm

M.SUNDAR, J.

vsm



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