

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.09.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.11 of 2007

&

O.A.Nos. 24 to 27 of 2007

and

A.Nos.105,106 & 2815 of 2007

1. M/s.Mohamad Idris Bros.Pvt.Ltd.,  
#5, Armenian Street,  
Chennai - 600 104.  
Represented by its Director  
Mr.K.M.Hameed Sultan

2. K.M.Hameed Sultan

3. K.M.Muhammed Yusuf

4. K.M.Umar Farook

5. K.U.MD Rahamath Ali .. Plaintiffs

Vs.

1. Mohamad Idris Bros Sons Fabric Private Limited,  
# 15, Armenian Street, Chennai - 600 001.

2. Muhammad Idris And Co.,  
Old No. 106, New No.24,  
Armenian Street, Chennai - 600 001.

3. Mohammad Idris And Sons,  
Old No. 106, New No.24,  
Armenian Street, Chennai - 600 001.

4. Muhammad Idris Bros And Sons,  
Old No. 106, New No.24,  
Armenian Street, Chennai - 600 001.

5. K.M.Mohammed Idris

6. K.M.Mohammed Yunus

7. K.M.Musthafa Kamaluddin

8. K.M.Akbar Ali
9. K.M.Mohamad Aboobacker Siddique
10. K.M.Shahul Hameed
11. K.H.Sheik Minnaj Firdhouse
12. K.M.Fairoze Khan
13. K.A.Mohamad Rizwan
14. K.M.Mohd. Aboobucker
15. K.M.Sikkandar Ahmad Faizee
16. K.M.Ayesha Mariyam Bivi
17. K.M.Zubaida Kathoon
18. K.M.Mohamed Yousuf Faizee
19. K.M.Abidha Arief
20. K.M.Fathima Farjana
21. K.M.Mumtaj Begum
22. K.M.Tajunnisa Begum
23. K.M.Zeenathunnnisa .. Defendants

This Civil Suit is preferred, under Order IV Rule 1 of OS Rules read with Order VII Rule 1 of C.P.C. and Section - 134 & 135 of the Trade Marks Act, 1999 and Section - 55 & 62 of the Copyright Act, 1957, seeking a permanent injunction restraining the Defendants above named by themselves, their servants or agents or anyone claiming through them from in any manner infringing the first plaintiff's well established trade mark labels as shown in annexure "A" by adopting and using the offending trade mark labels as filed in ANNEXURE "B" or any other trade mark or trade mark label, trade marks that are in any way similar or deceptively similar to that of the first plaintiff's celebrated trade mark label as filed in Annexure "A"; seeking a permanent injunction restraining the defendants by themselves, their servants or agents or anyone claiming through them from in any manner infringing the first plaintiff's copyright in the trade mark label as shown in annexure "A" by using the offending trade mark label as shown in annexure "B" or any other label or labels which are in any way reproduction of the first plaintiff's trade mark label as shown in annexure "A"; seeking a permanent injunction restraining the defendants by themselves, their servants or agents or anyone claiming through them from in any manner passing off their goods as that of the first plaintiff by using the offending trade mark and trading style as shown in annexure "A" or any other trade mark or labels which are similar or deceptively similar to that of the first plaintiff's trade mark label; seeking a permanent injunction restraining the defendants by themselves, their servants or agents

or anyone claiming through them from in any manner using the trade mark and trading style "Mohamed Idris Bros" with or without any suffix or prefix as now being used by the defendants 1 to 4 or any other trade name, trading style and trade mark which is similar to the trade name and trade name "Mohd. Idris Bros" of the first plaintiff; to direct the defendants to surrender to the first plaintiff the entire stock of unused offending labels together with the blocks and dyes, name boards, signboards etc. for destruction; to direct the defendants to render a true and faithful account of the profits earned by them through the sale of the offending textile products, lungies bearing the offending trade mark labels and directing payment of such profits to the first plaintiff and for costs.

For Plaintiffs : Mr.Prasana  
for M/s.A.P.R.Associates

For Defendants : Mr.Harishankar Mani (D1 to D7)

Mr.R.Parthasarathy (D8, D12, D13 & D18)

No Appearance (D9 to D11, D14 to D17 & D19 to D23)

## JUDGMENT

Learned counsel for plaintiffs submits that he has instructions from plaintiffs to withdraw this suit.

2. Learned counsel has made an endorsement in the suit file, which reads as follows:

"The Plaintiff seeks permission of this Hon'ble Court to withdraw the suit as the parties have resolved the disputes out of Court.

Sd/-

Counsel for Plaintiff

14.09.2018"

3. Learned Counsel reiterates the aforesaid endorsement and says that plaintiffs are not asking for Court fee.

4. In the light of the aforesaid endorsement in the suit file and reiteration of the same, this suit is dismissed as withdrawn. Consequently, all interlocutory applications are closed. There shall be no order as to Costs.

14.09.2018

Speaking/Non-Speaking order

Index : Yes/No

gpa/kan

M.SUNDAR, J.  
gpa/kan

C.S.No.11 of 2007 &  
O.A.Nos. 24 to 27 of 2007 &  
A.Nos.105,106 & 2815 of 2007

14.09.2018