

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:15.02.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.534 of 2009

M/s.Thalappakatti Naidu Ananada Vilas Biriyani Hotel
Rep. by its Partner Mr.D.Nagasamy
No.15, East Car Street
Dindigul

... Plaintiff

Vs.

Thiru Abdul Alaudeen
Thalappakattu Biriyani & Fast Food (Licence No.11)
38A Jeenis Road
Saidapet
Chennai – 600 015

.. Defendant

Plaint filed Order VII Rule 1 of Code of Civil Procedure, 1908 read with Order IV Rule 1 of High Court Original Side Rules and Sections 134 and 135 of the Trademarks Act, 1999 for grant of permanent injunction restraining the defendant, their men, servants, agents or anyone claiming through or under them from in any manner passing off the plaintiff trade mark and Trading style "Thalappakatti Biriyani Hotel" by using the offending trade mark and the trading style "Thalappakattu Biriyani & Fast food" or by using any other trademark which is similar or deceptively similar to that of the plaintiffs trade mark 'Thalappakatti Biriyani Hotel'; to direct the defendant to render a true and faith account of the profits earned by them through the sale of food products bearing the offending trademark " Thalappakattu Biriyani & Fast food "and directing payment of such profits to the plaintiff by way of damages for passing off committed by the defendant; to direct the defendant to surrender to plaintiff the entire stock of unused offending goods with Trade Mark "Thalappakattu Biriyani & Fast food" 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 for costs of the suit.

For Plaintiff : Mr.S.Vijayan

For Defendants : No appearance

JUDGMENT

Mr.S.Vijayan, learned counsel on record for the sole plaintiff is before this Commercial Division. Learned counsel submits that he has instruction from his client i.e., sole plaintiff to withdraw the suit.

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

*"I have got instruction from my client to withdraw the suit.
I may be permitted to withdraw the suit.*

Sd/-

Counsel for Plaintiff

15.02.2018

S.Vijayan"

3. In the light of the submission made by the learned counsel for plaintiff and the endorsement made by learned counsel for plaintiff, which has been extracted supra, this suit will stand dismissed as withdrawn. No costs.

Mr.S.Vijayan, submits that there is no request for refund of Court

fee in the light of the nominal Court fee that has been paid. This is recorded.

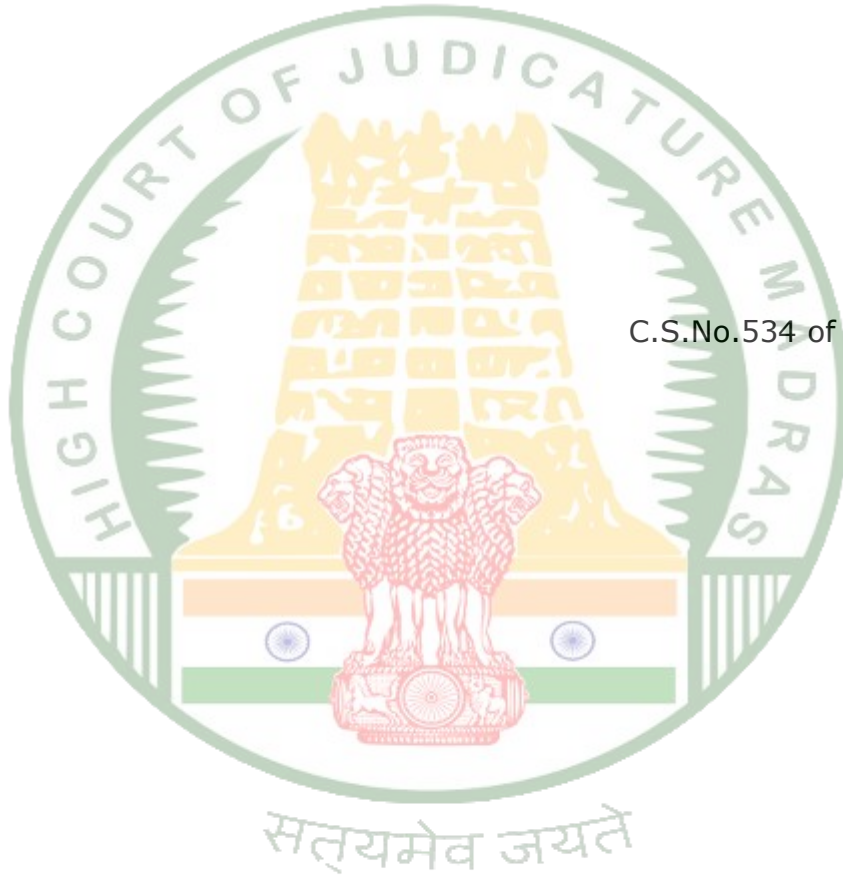
15.02.2018

Speaking/Non-Speaking order



WEB COPY

M.SUNDAR, J.
gpa



C.S.No.534 of 2009

15.02.2018

WEB COPY