

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.09.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.769 of 2012

&

O.A.No.993 of 2012

M/s.Medichem Products Inc.,
Sole Proprietorship
Represented by its Sole Proprietor Mr.Edwin Joel James
241/2 Rohini Flats, 7th Avenue
Anna Nagar West
Chennai- 600 101 .. Plaintiff

Vs.

V.G.V.V.R.R.Kishore .. Defendant

This Civil Suit is preferred, under Order VII Rule 1 read with Section 151 of the Code of Civil Proedure, 1908 and Sections 29, 134 and 135 of the Trademarks Act, 1999, Section 62(2) of the Copyrights Act, 1957 read with Order IV Rule of Madras High Court Original Side Rules seeking a permanent injunction restraining the Defendant his servants, agents, distributors or anyone claiming through him from using the Trademark/original artistic work "SANEXT" as part of the Trade name of the defendant or as his Trademark/trading style or corporate name/or by using any other Trade Mark which is in any way visually, phonetically or deceptively similar to the plaintiff's Registered Trade Mark and to restrain the defendant, his servants, agents, distributors or any one claiming through them from using letter heads, exhibits, sale bills or any other material containing the Trade Mark/original artistic work "SANEXT" as part of the Trade name of the defendant or as his Trade mark/trading style or corporate name/or by using any other Trade mark which is in any way visually, phonetically or deceptively similar to the plaintiff's registered Trademark and thereby infringing the registered mark of the plaintiff and for a preliminary decree in favour of the plaintiff directing the defendant to render an account of profit made by the use of the Trademark/original artistic work "SANEXT" and for a final decree in favour of the plaintiff for the amount of the profit found to have been made by the defendant, after the defendant has rendered their accounts and for the costs of the suit.

For Plaintiff : Mr.Ramesh Ganapthy
for Ms.Roseann Rajan

For Defendant : No appearance

JUDGMENT

Mr.Ramesh Ganapathy, learned counsel representing Ms.Roseann Rajan, learned counsel on record

for plaintiff, is before this Commercial Division along with the counsel on record.

2.It is submitted that plaintiff's counsel has instructions to withdraw the suit.

3.Learned counsel on record for sole plaintiff has made an endorsement in the suit file, which reads as follows:

'Plaintiff would like to withdraw the suit as he is not interested to proceed with the proceedings. Plaintiff is not asking for the refund of Court fee'

4. Learned counsel on record submits that there is no request for refund of Court fee .

5. The aforesaid endorsement is reiterated in the hearing today.

In the light of the endorsement and reiteration of the same, this suit is dismissed as withdrawn. Consequently, the connected interlocutory application is closed. There shall be no order as to costs.

18.09.2018

Speaking/Non-Speaking order

Index : Yes/No

gpa/kan

M.SUNDAR, J.

gpa/kan

18.09.2018