

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.11.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.345 of 2017andO.A.Nos.478 & 479 of 2017and A.No.4119 of 2018

Texmo Industries
Registered Partnership firm
Represented by its Constituted Attorney
Mr.Palaniappan
P.B.No.5303
Gnanmbika Mills P.O.,
Mettupalayam Road
Coimbatore - 641 029.

..Plaintiff

Vs.

1.Mr.Gopal Prasad Keshari
Proprietor, Texo Electrical Company
RZ-C 18-A, Vishnu Garden
Delhi - 110088.

2.Texo Electrical Company
RZ-C 18A, Vishnu Garden
Delhi - 110088.

.. Defendants

This Civil Suit is preferred, under Order IV Rule 1 O.S. Rules and Order VII Rule 1 CPC, read with Sections 11, 27, 29, 134 & 135 of The Trade Marks Act, 1999, praying to

a) a permanent injunction restraining the defendants their partners, their employees, officers, servants, agents, and all others acting for and on their behalf from manufacturing, launching, selling, distributing, advertising, exporting, offering for sale and in any manner, directly or indirectly as a trade name, dealing in any product or services in the name of 'TEXO' or any other similar mark amounting to an infringement of the plaintiff's registered trademarks Nos. under registration numbers 794425 in Class 02; Nos.315049 and 315050 both in Class 22; 794464 in Class 23; 794434 in Class 24; 794417 and 794465 both in Class 25 and 794418 in Class 26;

b) a permanent injunction restraining the defendants, their partners, their officers, employees, servants and agents from manufacturing, launching, selling, offering for sale, advertising and directly or indirectly dealing in any product or service under the trademark 'TEXO' or any other similar marks amounting to passing off of the products and services of the defendants as and for that of the plaintiff's mark TEXMO;

c) to declare the plaintiff's trademark TEXMO as a well-known Trade Mark;

d) to grant order of delivery up of any brochures/printed material and/or any material which infringes plaintiffs' copyright and registered trademarks TEXMO;

e) to direct the defendants for rendition of accounts in respect of their alleged activities especially sale and promotion of products bearing the mark 'TEXMO' for their goods and business;

f) Costs and such other relief as this Hon'ble Court may deem fit in the circumstances of the case, in the interests of justice and equity.

For Plaintiff : Mr.N.C.Vishal for M/s.Anand & Anand

For Defendants : No Appearance

JUDGMENT

Mr.N.C.Vishal, learned counsel on record for sole plaintiff submits that plaintiff has given instructions for withdrawal of this suit. Saying so, learned counsel has made an endorsement in the suit file, which reads as follows:

'Under written instructions from the plaintiff and on the basis of affidavit dated 27th October 2018, the plaintiff is withdrawing the present suit.

(s/d)
Counsel for plaintiff
25/11/2018'

2. Learned counsel reiterates the aforesaid endorsement.
3. Learned counsel also submits that there is no request for refund of Court fee.
4. In the light of the aforesaid endorsement and reiteration of the same in the hearing, this suit stands dismissed as withdrawn. Consequently, all connected interlocutory applications are closed. There shall be no order as to costs.

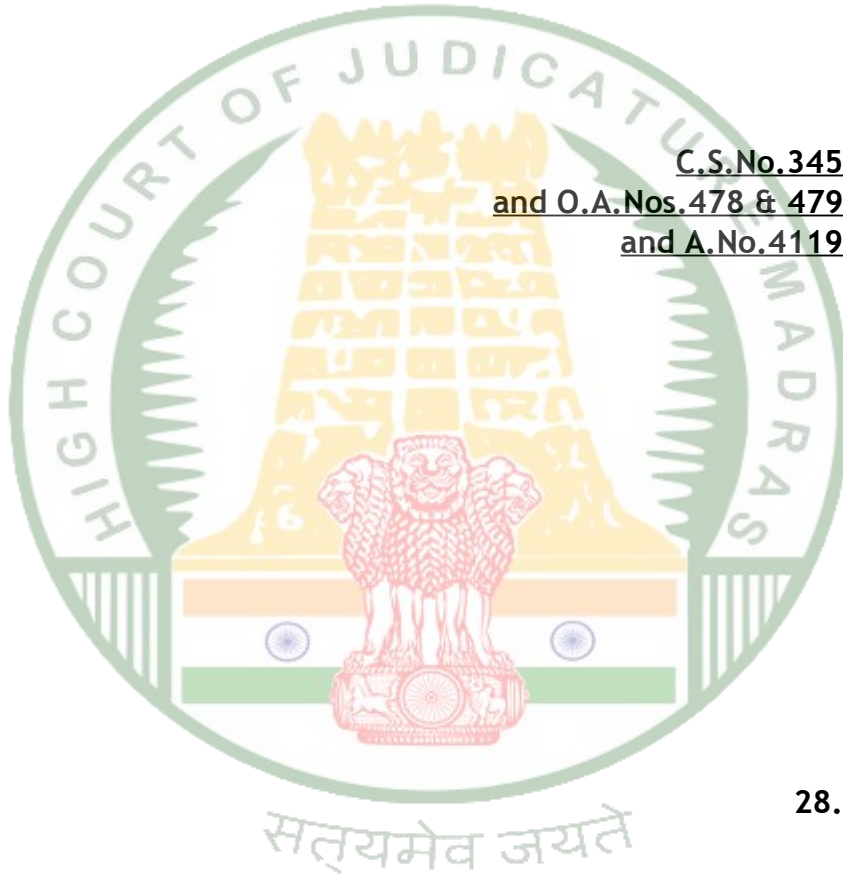
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28.11.2018

Speaking order/Non-Speaking Order
Index : Yes/No
vsm

M.SUNDAR, J.

vsm



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and O.A.Nos.478 & 479 of 2017
and A.No.4119 of 2018

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