

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.09.2019

Coram

The Honourable Mr.Justice N.SATHISH KUMAR

C.S.No.96 of 1998
and O.A.No.69 of 1998
and A.No.3466 of 1998

Cadilla Healthcare Limited,
Rep. by its Manager,
Taxation & Administration,
Having office at Zydus Tower,
Satellite Cross Road,
Ahamedabad – 380 015.

...Plaintiff

(Amended as per order dated 01.07.2019
in Appln No.763 of 2009)

Versus

1.Dr.Raj Laboratories,
SC. 8, Janpriya Homes,
Abhyudayanagar, Chinnatalakunta,
Hyderabad 500 074.

2.Moti Pharma Private Limited,
129 Nynniappa Naicken Street,
Chennai 600 003.

...Defendants

This Civil Suit is filed under Order IV Rule 1 of Original Side Rules r/w Section 27, 29, 105 and 106 of the Trade and Merchandise Marks Act 1958 prayed (a) granting a permanent injunction restraining the defendant their servants, agents or any one claiming through them manufacturing and selling any medical formulation Nimesulide using the trade name REMOLIDE in any form or using any other trade name which is deceptively, phonetically similar to the plaintiff's trade mark "REMULIDE" submitted for registration under Part A in class 5 or infringing in any manner the aforesaid registered trade mark submitted by the plaintiff for registration.

(b) granting a permanent injunction restraining the defendant by themselves, their servants, agents or anyone claiming through them passing off their medicinal formulation Nimesulide tablets by using the name "REMOLIDE" in the course of manufacture for sale or enabling others to pass off as and for the medicinal preparations of the plaintiff "REMULIDE" or doing any act or deed calculated to deceive the consumers.

(c) a preliminary decree be passed in favour of the plaintiff, directing the defendant to render true and correct account of the profits made by them by the use of the impugned trade mark/name "REMOLIDE" or any mark similar to the plaintiff trade

mark "REMULIDE" and for a final decree be passed in favour of the plaintiff for the amount of the profits found to have been made by the defendant on having rendered their accounts.

(d) the defendant be ordered to surrender to the plaintiff on oath all products, pouches, labels, cartons, dies, printing blocks, stationery, invoices and other documents bearing the Trade Mark "REMOLIDE".

(e) for the costs of the suit.

For Plaintiff : Mr.V.Sankaranarayanan
For Defendants : Set exparte
Vide order dated 20.08.2019

J U D G M E N T

Learned counsel for the plaintiff seeks permission of this Court to withdraw this Civil Suit and he has also made the following endorsement to that effect:-

" May be permitted to withdraw the suit
as not pressed "

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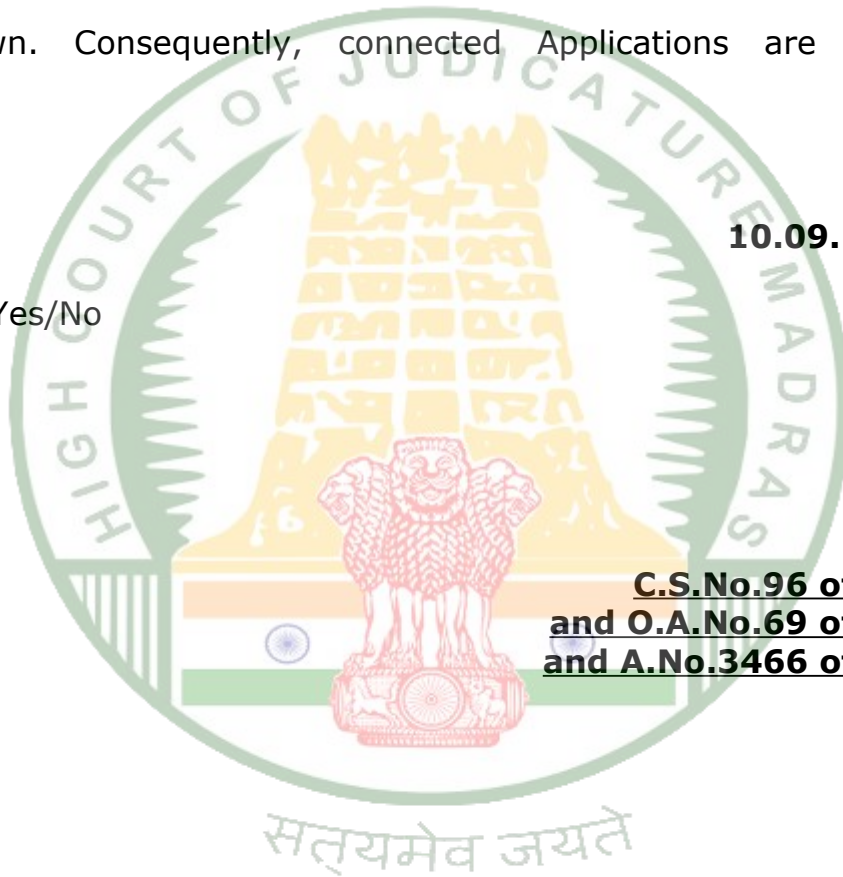
N.SATHISH KUMAR, J.,

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2. Recording the submission and the endorsement made by the learned counsel for the plaintiff, this Civil Suit is dismissed as withdrawn. Consequently, connected Applications are stands closed.

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Index : Yes/No



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