

C.S.No.379 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.10.2019

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.379 of 2008

M/s.Mysore Tarpaulins,
No.83, Devaraj Urs Road,
Mysore – 570 001
Rep. by its Proprietor
Mr.Y.Veerabhadra

... Plaintiff

Vs

M/s.Mysore Bags & Tarpaulins,
No.84, Devaraj Urs Road,
Mysore – 570 001
Rep. by its Proprietrix
Mrs.Shyla

... Defendant

Civil Suit filed under Order VII Rule 1 of CPC and Order IV Rule 1 of Original Side Rules read with Sections 27, 28, 29, 134, 135 of Trade Mark Act 1999 for the following judgment and decree :

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a) for perpetual injunction restraining the defendant, their men, distributors, stockiest, servants, agents, retailers, representatives or any other

person claiming under them from in any manner manufacturing, selling, offering for sale, stocking, advertising directly or indirectly dealing in goods identical or deceptively similar under the trademark "Adithya Mysore Bags and Tarpaulins", "Mysore Bags and Tarpaulins" or any other trademark resembling the plaintiff's registered trade mark "Mysore Taurpaulins" or any other mark which is identical or deceptively similar to the plaintiff's registered trade mark "Mysore Taurpaulins" so as to infringe the trade mark of the plaintiff.

b) for perpetual injunction restraining the defendant, their men, distributors, stockiest, servants, agents, retailers, representatives or any other person claiming under them from in any manner manufacturing, selling, offering for sale, stocking, advertising directly or indirectly dealing in goods identical or deceptively similar under the trademark "Adithya Mysore Bags and Tarpaulins", "Mysore Bags and Tarpaulins" or any other trademark resembling the plaintiff's registered trade mark "Mysore Taurpaulins" or any other mark which is identical or deceptively similar to the plaintiff's registered trade mark "Mysore Taurpaulins" so as to pass off or enable passing off of the defendants products as and for that of the plaintiff or in any other manner whatsoever connected with the plaintiff

c) Directing the defendant to deliver, for distribution to the plaintiff of the products, preparations, dies, blocks, articles, literatures, advertisements, letter heads, key chain, stickers, cartons, labels, papers, polythene bags, other bags and all other objects bearing and containing the trade mark deceptively similar to the plaintiff and in the defendant's possession to the authorized representative of the plaintiff for destruction;

d) Direct the defendant to pay damages of Rs.10,00,000/- with 15% interest for the loss caused to the plaintiff for infringing the plaintiff's registered Trade Mark "Mysore Taurpaulins" from the date of the plaint;

e) To award punitive damages of Rs.1,00,000/- with 15% interest from the date of the plaint;

f) To pass a preliminary decree in favour of the plaintiff directing the defendant to render accounts of profits made by them by the use of the impugned trade marks or other similar marks thereof and a final decree be passed in favour of the plaintiff for the amount of profits found to have been earned by the defendant, after the latter has rendered accounts;

g) Directing the defendant to pay costs of the suit.

For Plaintiff : Mr.K.Rajasekaran

For defendant : --

JUDGMENT

When the matter was taken up today, the learned counsel for the plaintiff sought permission of this Court to withdraw this suit and also made an endorsement to that effect.

2. In view of the submissions of the learned counsel for the plaintiff and the endorsement made, this suit is dismissed as withdrawn. No cost.

04.10.2019

vrc

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

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N.SATHISH KUMAR, J.

VRC



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