

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2019

Coram

The Honourable Mr.Justice N.SATHISH KUMAR

C.S.No.804 of 2007

- 1.Karthikeyan and Company,
- 2.Madras Karthikeyan and Company
- 3.Madras Palaniappa Brothers
- 4.Palaniappa Brothers

All at
'Konar Maligai',
No.25, Peters Road,
Chennai - 14

...Plaintiffs

Versus

- 1.M/s.New Brilliant Publications
20/13, North Chitra Street,
(New Meenakshi Temple North Tower)
Madurai - 625 001.

- 2.Mr.T.Marthandan
Person in-charge
M/s.New Brilliant Publications
20/13, North Meenakshi Temple North Tower)
Madurai - 625 001.

...Defendants

This Civil Suit is filed under Order IV Rule 1 of O.S. Rules read with Sections 27, 134 and 135 of the Trademarks Act, 1999 and Sections 51, 55, 58 and 62 of the Copyright Act 1957, prayed (a) granting permanent injunction restraining the defendants, their men, agents, servants, printers, stockiest or any other person claiming through him from in any manner reproducing, publishing, printing or selling the whole or any part of the plaintiffs' literary works, in particular the Tamil notes of the plaintiffs titled "Konar Tamil Urai" (plaint document Nos. 1(series)) by printing and publishing the defendants' Tamil notes titled "Nadar Tamil Urai" (plaint document No.3 (series)) or under any other name or form in any manner infringing the copyright of the plaintiffs;

(b) granting permanent injunction restraining the defendants, their men, agents, servants, printers, stockiest or any other person claiming through him from in any manner printing and /or publishing Tamil notes under the name and style of "Nada Tamil Urai" which is identical with and/or deceptively similar to the plaintiffs' trade name/trading style/trademark "Konar Tamil Urai" used in respect of its business and /or Tamil notes or under any other name or form, so as to pass them off as and for that of the plaintiffs' work;

(c) directing the defendants to surrender to the plaintiffs all

infringing copies of the plaintiffs' copyright and trademark and all materials including plates, negatives, software etc used or intended to be used for production of such infringed copies;

(d) for preliminary decree in favour of the plaintiffs directing the defendants to render accounts of the figure of publications of the infringing copies, of copies sold and of copies unsold as well as profits made by them by the infringement of plaintiffs' copyright in "Konar Tamil Urai" filed as document No.1(series) as well as the tortuous act of passing off the defendants' goods as and for that of the plaintiffs' notes, followed by a final decree in favour of the plaintiffs for the payment of amount of profits found to have been made by the defendants by such infringement;

(e) for the costs of the suit.

For Plaintiffs : Mr.Madan Babu

For Defendants : P.T.Ramadevi

J U D G M E N T

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

" As instructed by the plaintiffs, in view of

the change in school syllabus and in view of

the defendant discontinuing active business, the present suit may be permitted to be withdrawn. "

2. Recording the submission and the endorsement made by the learned counsel for the plaintiffs, this Civil Suit is dismissed as withdrawn.

21.11.2019

Index : Yes/No

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N.SATHISH KUMAR, J.,

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