

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2019

CORAM

The Honourable Mr.Justice N.SATHISH KUMAR

C.S.No.82 of 2009
& O.A.No.92 of 2009

M/s.Ashoka Distributors,
1046, Rangai Gowder Street,
Coimbatore-641 001,
rep. by its Partner,
Mr.Hemant Kumar

...Plaintiff

Versus

M/s.Pankaj Trading Company,
No.12, 1st Floor,
Sharma Complex, Chickpet,
Bangalore-560 530

...Defendant

This Civil Suit is filed under Order VII Rule 1 of Code of Civil Procedure 1908 r/w Order IV Rule I of Original Side Rules r/w. Sections 29, 134 & 135 of the Trade Marks Act, 1999, praying to (a) to grant perpetual injunction restraining the defendant, their men, distributors, stockists, 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 textile products with the

mark "Ashok Mills" and "Sonoli" or any other mark resembling the plaintiff's registered trade marks "Ashoka Mills" and "SALONI" or any other mark which is identical or deceptively similar to the plaintiff's trade marks so as to infringe the trademark of the plaintiff or in any other manner or whatsoever connected with the plaintiffs.

(b)to direct the defendant to deliver, for distribution, to the plaintiff of the preparations, dies, blocks, articles, literatures, advertisements, cartons, labels, papers, polythene bags, jute bags and all other things bearing and containing the trade marks "Ashok Mills" with "SANOLI" to the authorised representative of the plaintiff for destruction,

(c)to pass a preliminary decree in favour of the plaintiff directing the defendant to render accounts of profits made by them by use of the impugned trade mark "Ashok Mills" with "SANOLI" or other similar marks thereof and deceive 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,

(d)to direct the defendant to pay damages of Rs.1,00,000/-,

(e)to direct the defendant to pay costs of this suit.

For Plaintiff : Mr.K.Rajasekaran

J U D G M E N T

The learned counsel appearing for the plaintiff seeks permission of this Court to withdraw this Civil Suit and also made an endorsement in the Suit to that effect.

2. In the light of the submission and endorsement made by the learned counsel appearing for the Plaintiff, the Civil Suit is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

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N.SATHISH KUMAR, J.,

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